

E3oWliu2

Opening - Mr. Egan

1 be from friends, family members, maybe even a boyfriend who had
2 gotten the person pregnant, just restating the lies they put in
3 the story but, this time, over someone's name just to make the
4 story seem legitimate. All the applicant had to do was send
5 that letter back to China for a friend to recopy it and send it
6 back in an envelope with a Chinese postmark. You'll even hear,
7 however, that these firms kept a supply of Chinese-sized paper
8 in the firm in case there was an emergency and someone needed
9 to have a friend here in the United States write a letter
10 pretending to be in China.

11 After these stories and the evidence letter were
12 written, they would be reviewed by Feng Ling Liu or one of the
13 other lawyers at the firm. She had to make sure they were good
14 enough. If the beating that was discussed in the story was not
15 severe enough, maybe she'd add a couple extra details, a couple
16 extra kicks, a black eye, a broken bone. Maybe the length of
17 time that the story said the applicant had been in detention
18 wasn't quite long enough, so seven days became two weeks,
19 whatever it took, whatever little extra details they felt they
20 needed to push the story over the edge. Then the defendants
21 submitted everything to the asylum office and started preparing
22 applicants for the next step, teaching the applicants to lie
23 and lie convincingly, both in their interviews and, if
24 necessary, in front of the immigration judge. Coaches drilled
25 them on their stories and other things that they might be

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E3vWliu4

L. Chen - cross

- 1 Q. Did anyone tell you that you have to pay taxes on the cash?
- 2 A. No one told me that.
- 3 Q. But you did tell someone from the government that you are
- 4 receiving cash, is that right?
- 5 A. Yes.
- 6 Q. And no one told you from the government that you have to
- 7 pay taxes on the cash?
- 8 A. No one said that to me.
- 9 Q. And you haven't paid taxes on the cash, isn't that correct?
- 10 A. I have reported taxes for the checks.
- 11 Q. But not the cash?
- 12 A. Not for the cash.
- 13 Q. Now, when you start cooperating with the FBI, they told you
- 14 how to use a recorder and a video camera, is that right?
- 15 A. They did not teach me how to use it. They just showed me
- 16 where I was to place them.
- 17 Q. Let's take the Moslemi law firm. You went there with an
- 18 agent?
- 19 A. The agent did not go. Only I myself went.
- 20 Q. And who turned on the recorder?
- 21 A. After they had placed the recorder and turned it on, then I
- 22 went up there.
- 23 Q. And you had no opportunity to shut it off and put it on
- 24 again, isn't that right?
- 25 A. I did not touch it whatsoever. I just knew that after the

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E3vWliu4

L. Chen - cross

1 recording was over, I was to return it to them.

2 Q. And that's what you did?

3 A. Yes.

4 Q. So every time you were at the Moslemi law firm, the
5 recorder was running, is that correct?

6 A. Yes.

7 Q. And that's the same thing with the video camera, isn't that
8 right?

9 A. Yes.

10 Q. And when you came back, they took it off you, right?

11 A. Yes.

12 Q. And eventually, you listened to those recordings?

13 A. Yes.

14 Q. And did you see all the videos also?

15 A. Yes, I saw all of them.

16 Q. Now, you've met with the government a number of times,
17 isn't that true?

18 A. Yes.

19 Q. You listened to the recordings and talked to them about the
20 recordings?

21 A. When I listened to the recordings, I only listened to them
22 with my interpreter.

23 Q. With your interpreter?

24 A. Yes, the interpreter.

25 Q. Had they been translated at that point?

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E3vWliu4

L. Chen - cross

1 A. Can you please explain that question.

2 Q. What did you do with the interpreter? Can you explain that
3 to us, please.

4 A. I listened to each of the CDs and verified every phrase
5 that was said.

6 Q. Now, you told us that there were certain times when you did
7 not bring a video camera with you?

8 A. The video recorder I always had on. It was just that some
9 of the times, I did not bring the recording box.

10 Q. Now, every time you were at the Moslemi law firm, you had
11 your recorder on, is that right?

12 A. Yes.

13 Q. So there are no instances, no times when you were there
14 that we don't have a recording, is that true?

15 A. Yes.

16 Q. And you listened to those recordings and you found that
17 they're all accurate, is that right?

18 A. Yes.

19 Q. I want to go back to your asylum application. When you
20 filed it, you filed a false statement by yourself that was
21 given to you, is that correct?

22 A. Counsel, may I ask you, this personal application, is that
23 the one that I submitted myself, or was that the one that I
24 submitted in the name of Yan Hong Chen?

25 Q. This is the personal application that you submitted when

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E3VJLIU5

L. Chen - cross

1 firm, right?

2 A. Yes.

3 Q. And all of them were not given to the jury today. There
4 are many that we -- there are some that we have not seen yet?

5 A. Yes.

6 Q. Now, all the times you were there, how many times there
7 were, you were trying to get to see my client, Ms. Liu, right?

8 A. No.

9 Q. You weren't trying to get to see her?

10 A. Just the last time I had attempted directly to see the
11 Attorney Liu, but she wasn't there, so I just talked briefly
12 with David Miao.

13 Q. But when you talked to David Miao, you told him that you
14 wanted to see Ms. Liu. Isn't that right?

15 A. Yes.

16 Q. And you even lied about the fact that some interpreter told
17 you that you should see my client. Isn't that correct?

18 A. Can you please explain that question.

19 Q. Yes. Didn't you have a conversation with David, where you
20 insisted on seeing Attorney Liu, making up a story that some
21 interpreter told you to see Ms. Liu?

22 A. All that was under the instruction of the agents who asked
23 me to say those things.

24 Q. To what? Agents to what? I didn't get the last part of
25 the answer?

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E3VJLIU5

L. Chen - cross

1 given to me, then I will be able to remember the specific
2 times.

3 Q. Okay. Now I want to ask you this question again. Please
4 answer it as best you can. I think the answer is yes or no,
5 okay?

6 A. Okay.

7 Q. It is true, is it not, that how many times you were there,
8 over what period of time, you never saw or heard Feng Ling Liu
9 do anything criminal?

10 A. (Pause)

11 MR. FISCHETTI: Could you ask her is that statement
12 true?

13 A. Yes.

14 MR. FISCHETTI: I have nothing further -- I do have
15 one question. It was handed to me. I am sorry.

16 BY MR. FISCHETTI:

17 Q. The time you saw David and talked to David, do you remember
18 if his office door was open or closed?

19 A. It was closed.

20 MR. FISCHETTI: Thank you. I have nothing further.

21 THE COURT: Is there going to be additional cross or
22 redirect? If so, we'll take our break.

23 MR. GERMAN: There will be some cross.

24 THE COURT: Why don't we take our break now. Keep an
25 open mind and don't discuss the case.

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E41Wliu3

M. F. Yu

1 Q. How long does a student visa last?

2 A. Student visa actually is one year, but after that one year,

3 I can get another year optional practice time.

4 Q. Does that go by the shorthand OPT?

5 A. Yes.

6 Q. And you said that lasts for how long?

7 A. One year.

8 Q. Did you get any other benefit from not declaring your
9 income during this period?

10 A. No.

11 Q. Did you apply for Medicaid or anything like that?

12 A. No.

13 Q. I'm going to need you to speak up a little bit.

14 A. Okay.

15 Q. When you started at the firm, how many people worked there,
16 approximately?

17 A. More than ten people. About ten.

18 Q. Were there any other paralegals?

19 A. Yes.

20 Q. How many?

21 A. Several.

22 Q. Who were they?

23 A. Victor You, Harry Liu, Mr. Huang, Vinny.

24 Q. Winnie?

25 A. Yeah. Mr. Lee.

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E41Wliu3

M. F. Yu

1 A. At that time, it's another attorney, Bebe Xue.

2 Q. You said at that time. Did she leave at some point?

3 A. Yes.

4 Q. When did she leave?

5 A. In about 2010.

6 Q. In about 2010?

7 A. Yes.

8 Q. Do you see a door in the center of the picture?

9 A. Yes.

10 Q. What room is through there?

11 A. It's Ms. Liu's office.

12 Q. And during your time there, did she work in that office?

13 A. Yes.

14 Q. When you first started, how often was she at the office?

15 A. I would say every day.

16 Q. Did she work in there alone or with someone else?

17 A. Most time she worked there alone. Sometimes David would
18 stay there.

19 Q. Is there any way, to your knowledge, to that office, into
20 that office except through that room that you sat in?

21 A. That's the only door to the office.

22 Q. When she would work in there, typically, was the door open
23 or closed?

24 A. Open.

25 Q. So I want to turn your attention to the work you did at the

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E41Wliu3

M. F. Yu

1 approximately how many asylum applications did you work on in
2 any of your capacities?

3 A. Hundreds.

4 Q. Hundreds?

5 A. Yes.

6 Q. Of those that you worked on at Feng Ling Liu's law firm,
7 how many would you say are real, meaning based on actual facts
8 involving persecution?

9 A. Ten percent.

10 Q. Ten percent?

11 A. Yes.

12 Q. And of those ten percent that were based on actual events,
13 in your experience at the firm, were the details of those
14 stories changed prior to submitting the applications?

15 A. I'm sorry? Can you repeat the question.

16 Q. You said that about ten percent were based on actual
17 events, correct?

18 A. Yes.

19 MR. MAHER: I am going to object to the form of the
20 question.

21 THE COURT: I'll allow it.

22 BY MR. EGAN:

23 Q. Of the ten percent that were based on real events, were
24 applications prepared for those as well, asylum applications?

25 A. Yes.

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E41Wliu3

M. F. Yu

1 Q. And in your experience, would those asylum applications
2 contain false facts as well?

3 A. Yes.

4 Q. Why would they contain false facts?

5 A. Because most of stories were written by paralegals. Most
6 of clients didn't provide any useful information.

7 Q. What about the stories that were based on real events?

8 A. For the, for those real ones, when paralegal talking with
9 them, we can tell whether they actually have persecution or
10 not. If they did suffer persecution, they can tell us their
11 story, we know that that's their true story or not.

12 Q. And if it was a true story, were there ever circumstances
13 where details would still be changed?

14 A. Yes. Sometimes.

15 Q. Under what circumstances?

16 A. Even their stories true, but we want their story look
17 better, so we may add some details.

18 Q. You want it to look better?

19 A. Yes. Such as we would describe how the client beat up.

20 Q. How they were beat up?

21 A. Yes. By the Chinese government, I mean. Maybe they were
22 not beat up that severely, but we say more seriously and maybe
23 they didn't get bruise all on their body, we would add such
24 scenarios.

25 Q. I want to talk a little bit about the process. To your

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E41Wliu3

M. F. Yu

1 knowledge, did the firm advertise for clients while you worked
2 there?

3 A. No.

4 Q. How would clients typically find out about the firm?

5 A. Really they were introduced by the friends or relatives.

6 Q. How would these friends or relatives know about the firm?

7 A. Most of them --

8 MR. FISCHETTI: Objection.

9 THE COURT: Sustained.

10 BY MR. EGAN:

11 Q. Fair to say then that they were referrals, mostly?

12 A. Yes.

13 Q. When you started at the firm, let me ask you this. What
14 was the first step in the process when someone arrived at the
15 firm?

16 A. They always had initial meeting with a manager or Ms. Liu.

17 Q. When you started at the firm, who was the person or who
18 were the people with whom this initial meeting would take
19 place?

20 A. Most time, David did this job. Sometimes Carey.

21 Q. And you said sometimes Ms. Liu?

22 A. Yes, sometimes Ms. Liu.

23 Q. How was it determined who of that group the person would
24 meet with?

25 A. I'm sorry.

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E41Wliu3

M. F. Yu

1 Q. How was it determined whether the person would meet with
2 David or Harry or Ms. Liu?

3 A. Really when the new client came to our office, the
4 reception just show the client to David's office. But sometime
5 the client insisted on meeting Ms. Liu, they would meet Ms.
6 Liu.

7 Q. If they insisted on meeting Ms. Liu?

8 A. Yes.

9 Q. And why would a client insist on meeting Ms. Liu?

10 MR. GERMAN: Objection, Judge.

11 THE COURT: Sustained.

12 BY MR. EGAN:

13 Q. I want to just quickly show you Government Exhibit 16
14 already in evidence.

15 A. This is Harry Liu.

16 Q. Who is Harry Liu?

17 A. He is the younger brother of Ms. Liu.

18 Q. And when you started, what was his role?

19 A. He's a paralegal, but sometimes he conducting initial
20 meeting with our new clients.

21 Q. And later on, you said initially, these meetings would
22 happen with Harry or David or Ms. Liu. Later on in your time
23 there, was there anyone else who would do these initial
24 meetings?

25 A. Yes. Sometimes then Lucy and Lillian.

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E41JLIU4

Yu - direct

1 Please remember you're still under oath.

2 THE WITNESS: Thank you.

3 MR. EGAN: If I may, previously the witness had
4 testified about David Miao's name, Yuchang Miao. We put a name
5 plate up there. I move for its admission.

6 THE COURT: Any objection? It will be admitted.

7 MR. EGAN: It is Government Exhibit 12-N.

8 THE COURT: It will be admitted.

9 (Government's Exhibit 12-N received in evidence)

10 MENG FEI YU, resumes

11 DIRECTION EXAMINATION (Continued)

12 BY MR. EGAN:

13 Q. Ms. Yu, before the break we were discussing the initial
14 meetings that happened with asylum applicants.

15 What sort of information would typically be discussed
16 at these meetings?

17 A. I only heard a few times. I heard David asked the client
18 when they arrived this country if they have any, do they have
19 any criminal history in this country, and their marriage
20 history and the case, then they would introduce some claim
21 which they think is better for the client.

22 Q. So taking that back, you mentioned a number of different
23 records. Why were those records important?

24 A. You know, to apply for asylum, the applicant must arrive in
25 this country no more than one year after, no more than one year

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E41JLIU4

Yu - direct

1 after he came in this country.

2 Q. In your experience at the firm, did they have asylum
3 applications for people who had been here for more than one
4 year?

5 A. Yes.

6 Q. What other records, in addition to criminal records, were
7 they looking for or asking about?

8 A. We want to make sure that we asked do they have any record.

9 Q. Record about the applicant?

10 A. Yes, if they had a history of criminal long time ago, the
11 government has the records so we cannot lie about the client's
12 entry time.

13 Q. Was anything about the client's background discussed?

14 A. Background, yes, at occasion, marriage.

15 Q. Just information like that?

16 A. Yes. They don't ask whether you have persecution in China.

17 Q. So the background they would ask would just be education
18 and birth place?

19 A. Life experience.

20 Q. What about payment, was that ever discussed at these first
21 meetings?

22 A. Yes.

23 Q. What was the pay scale?

24 How much did it cost to file an asylum application
25 with the Bandrich law firm?

Not Moslemi or Fengling Liu Law Firm

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E41JLIU4

Yu - direct

1 A. Totally about 10,000 to 13,000.

2 Q. How was that paid?

3 A. The client would have paid 1,000 when we start preparing
4 the case. When they win the case, they pay the rest. If the

5 case lose, they will pay half.

Contradict with Victor, if client lost they paid nothing. she is not cashier.

6 Q. How was this money typically paid?

7 A. By cash.

8 Q. I think you testified earlier that persecution, someone's
9 persecution typically was not discussed?

10 A. No, no.

11 Q. Was the claim they would pursue ever discussed?

12 A. Yes.

13 Q. In what context?

14 A. Sometimes I heard that the client just asked Ms. Liu or

15 David which claim is easier to be granting.

16 Q. Would Ms. Liu or David provide advice on that?

17 A. Yes.

18 Q. What advice would they provide?

19 A. They would give advice based on their marriage or
20 avocation, background. If, for example, if there was a female
21 single applicant, they would advise them to apply for family
22 planning. The claim will be this female applicant suffered a
23 forced abortion because she got pregnant before marriage.

24 Q. Why was that an appealing claim for a single female
25 applicant?

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E41JLIU4

Yu - direct

1 A. Because this claim doesn't require a lot of evidence. It
2 is very easy to prepare the story and the whole package.

3 Q. What other types of claims did the office typically pursue?

4 MR. FISCHETTI: Objection. May we have a brief
5 sidebar?

6 THE COURT: Okay.

7 (Continued on next page)

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E41JLIU4

Yu - direct

1 (At sidebar)

2 MR. FISCHETTI: Judge, I withheld my objections up
3 till now so we can get a full story. I ask that the government
4 particularize who is saying what and not the office and not
5 they said, put David and my client together. I think it should
6 be more pointed on who said what during this period of time.

7 THE COURT: I agree with that. Who said what, I agree
8 with that. As to whether the abortion, had to do with types
9 of -- right, but I think it is okay to ask generally what types
10 of persecution the office would utilize, but I think in terms
11 of saying particular people said things or acted a certain way,
12 we should break down that.

13 (Continued on next page)

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E41JLIU4

Yu - direct

1 (In open court)

2 BY MR. EGAN:

3 Q. I think the question that was before you was what other
4 types of claims would the office typically pursue?

5 A. Okay. For some single male applicants, they advised them
6 to pursue Christianity.

7 Q. Why was that?

8 A. Because they don't have kids, they're not married, so they
9 cannot apply based on family planning. It is easy for them to
10 say some religion. They went to some church in China, was
11 arrested and beat up.

12 Q. Were there ever reasons -- let me ask this.

13 You described these meetings and advice that would be
14 given during them. Who did you hear participating in those
15 meetings?

16 A. Just sat outside Ms. Liu's office. What I heard, though,
17 was David and Ms. Liu were there.

18 Q. They were there having the conversations you just
19 described?

20 A. Yes.

21 Q. Did they ever discuss downsides to pursuing a particular
22 type of claim?

23 A. I am sorry. I don't remember.

24 Q. Okay. So after this initial meeting, how long would this
25 initial meeting typically last?

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E41JLIU4

Yu - direct

1 this form, including their age, address, avocation, kids, those
2 kind.

3 Q. Why was address significant?

4 A. If they want to apply for asylum in New York, they must
5 provide a New York address.

6 Q. In your experience at the firm, were there ever people
7 applied who did not live in New York?

8 A. Yes, many applicants actually lived in another state and
9 worked in other states.

10 Q. How would you handle this?

11 A. What do you mean? I am sorry.

12 Q. If someone came to you and said -- well, let me ask you
13 this way: Did anyone ever come to you and say I don't live in
14 New York?

15 A. Yes.

16 Q. How would you handle that?

17 A. I would tell them if you want asylum here, you should give
18 me an address in New York.

19 Q. So you worked on filling out the form. What other steps
20 would you take?

21 A. They also need to sign an affidavit.

22 Q. What is the affidavit?

23 A. The affidavit, an affidavit the client claims they provide
24 all the truths to this firm and their stories are truth and
25 their stories are prepared by themselves.

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E41JLIU4

Yu - direct

1 Q. I am going to show you what has been previously marked as
2 Government Exhibit 921. Take a look at that.

3 A. (Pause)

4 Q. Do you recognize that?

5 A. Yes.

6 Q. What is that?

7 A. This is an affidavit we ask the client to sign.

8 Q. That is an affidavit you used at the firm?

9 A. Yes.

10 MR. EGAN: I offer Government Exhibit 921 into
11 evidence.

12 THE COURT: Any objection?

13 THE COURT: It will be admitted, hearing no objection.

14 (Government's Exhibit 921 received in evidence)

15 BY MR. EGAN:

16 Q. If you can see where it says "No. 1" at the top? If you
17 can read No. 1 and No. 2 -- sorry -- where it is actually
18 numbered one and two. Starting at No. 1, if you can read that
19 and read No. 2 out loud.

20 A. Before starting to prepare my asylum application, my
21 attorney's office has given me the following warnings regarding
22 asylum applications. If you knowingly file frivolously
23 application for asylum, you will be barred from ever, from
24 receiving any benefits under the Immigration & Nationality Act.
25 A frivolous application for asylum is one which contains

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E41JLIU4

Yu - direct

1 statements or responses to questions that are originally
2 fabricated, not being grounded and signed knowing that your
3 application is frivolous.

4 Q. What is a frivolous application for asylum?

5 A. For me, it means fake asylum.

6 Q. Did every client have to sign this?

7 A. Yes.

8 Q. Why?

9 A. We give them the warning, they sign the affidavit so
10 someday if we have trouble, we can see they know they must have
11 tell us the truth so we won't take the responsibility for the
12 trouble.

13 Q. Did any client ever ask you about having to sign this?

14 A. A few people asked. Many people don't care what they sign.

15 Q. What explanation, if any, did you give them?

16 A. I just explain to them -- there are Chinese translations.
17 Sometimes I ask them to read a Chinese translation.

18 Q. Did they ever ask why they had to sign it?

19 A. Few people do that.

20 Q. Was this something that was required by the asylum office
21 or by the firm?

22 A. Required by the firm.

23 Q. Did anyone in particular at the firm tell you to have
24 applicants sign this?

25 A. Yes.

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E41JLIU4

Yu - direct

1 Q. Who was that?

2 A. When I started working at this firm, Ms. Liu trained me and
3 showed me which documents I should ask the client to view or
4 sign.

5 Q. So after they filled out -- you can take that down --
6 started to fill out the form, they've signed that affidavit,
7 what other information would you or what else would happen at
8 that meeting that you had with the client?

9 A. I would tell them for their cases what kind of evidence
10 they need to provide us. If we have time on that date, I will
11 prepare their story.

12 Q. When you say prepare their story, what do you mean?

13 A. When I started working at that firm, I don't know there so
14 many fraud cases, I would ask them what happened to you. Later
15 on you found many people don't have real persecution. So when
16 I know what kind of claim they pursue, then I just base it on
17 their life experience or background and made up a story for
18 them.

19 Q. When you say their "background," what sort of information
20 would you get?

21 A. Age, marriage, work, avocation.

22 Q. How would you incorporate those into stories?

23 A. You know, can I think about it?

24 I would just, for example, they start from the city of
25 Fuchin. I would say that she was leaving there or working

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E41JLIU4

Yu - direct

1 there -- sorry -- she was working there and living there, she
2 met a boyfriend and blah, blah, just using that information and
3 made up a story.

4 Q. You would use the information where they're from?

5 A. Yes, and which school they graduated, which year they
6 started working and where they were working.

7 Q. Would you typically in these meetings ever discuss the
8 facts of their persecution?

9 A. No.

10 Q. You mentioned at the beginning you used to ask them
11 questions?

12 A. Yes.

13 Q. What was your experience when you asked them questions like
14 like that?

15 A. I would ask them tell me what happened to you, how you were
16 persecuted or how you were arrested, tell me something. I
17 remember the first case, the new case David gave me, that is a
18 female applicant applying for asylum. Her claim is family
19 planning. She told me the story she had a boyfriend and she
20 got pregnant before marriage, the guy just gave, gave her a
21 forced abortion, and I wrote what she told me.

22 Later on many people cannot tell me what happened, so
23 I know no there was no persecution to them, and I just, based
24 on my previous year's experience, I just made up the story for
25 them.

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E41JLIU4

Yu - direct

1 Q. When you said they can't tell you what happened, what do
2 you mean? What would they say if you asked them?

3 A. Sometimes they just said I don't know how to write. Ms.
4 Liu said you would help us. I don't know about the asylum or
5 persecution, just tell me what I should do.

6 Q. If they did not provide the details of the persecution, how
7 did you know what to write?

8 A. When I started working, Ms. Liu asked me to look at old
9 files, and we had some samples in our computer.

10 Q. Samples?

11 A. Yes.

12 Q. What do you mean by samples?

13 A. The samples were created by some people in the office,
14 Harry or somebody else. For each claim, each category of
15 asylum claim there was a sample story, like the first paragraph
16 introduction of this applicant and the second paragraph is what
17 happened to this applicant and where they were arrested, how
18 they left the country.

19 Q. The item you're describing was a sort of model that was
20 available to you?

21 A. Yes.

22 Q. Would you ever base it on other stories that had already
23 been written for someone else?

24 A. Yes, I read old cases in the office.

25 Q. How closely in writing your own stories would you track

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E41JLIU4

Yu - direct

1 those stories?

2 A. Sorry?

3 Q. How closely would you follow the language of the stories
4 that you were basing it on?

5 A. I would use -- I never used the same language or sentence,
6 but I used the pattern, the logic of those stories.

7 Q. You said the same pattern?

8 A. Yes.

9 Q. When you say a "pattern," what would be a typical pattern
10 for, say, a family planning claim?

11 A. Family planning claims for female, forced abortion; for
12 male, their wife suffered a forced abortion and they want to
13 protect their wives, they say officers would detain them. It
14 was always the same pattern.

15 Q. What about for Christianity claim?

16 A. They went to private church. They don't allow private
17 church in China. The church cracked down and they were
18 arrested and detained, beat up and they left the country to
19 pursue their freedom of religion.

20 Q. You mentioned earlier you were trained by Ms. Liu. How did
21 she train you?

Contradict with her 3500. She said Victor train her, never said Liu train her

22 A. She showed me some -- on the first day I started working,
23 she handed me a bunch of old cases. She said I need follow-up
24 evidence for those cases.

25 Q. Follow-up evidence?

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E41JLIU4

Yu - direct

1 A. Yes. Those packages were not completed. We would ask the
2 client to provide more evidence for their cases. Then she
3 explained to me a form we should ask the client to fill in and
4 sign with information, I should pay more attention, and she
5 asked me to read the stories, yes, that is how she trained me.

6 Q. How long were you at the job before you realized that the
7 applications were you working on were fake?

8 A. A few weeks later.

9 Q. A few weeks later?

10 A. Yes *(if fraud is everywhere, she as a candidate lawyer need a few weeks*
to find out by told Victor. so if Victor did tell her she will never find out
any. even so David or karen never gave her instruction go ahead make a fake one,
if so, she will find out at day one)

11 Q. Was there a specific instance that caused you to find out?

12 A. Actually, my co-worker told me, Victor told me.

13 MR. FISCHETTI: Objection.

14 THE COURT: Sustained.

15 MR. EGAN: What is it?

16 THE COURT: Who is the co-worker you mentioned?

17 THE WITNESS: Victor.

18 THE COURT: I am going to allow it.

19 BY MR. EGAN:

20 Q. What did he tell you?

21 A. He told me many cases are not true. Then I got more and
22 more clients, when I asked them what they happened to them,
23 they cannot tell me the answer. So I felt they never had

24 persecution. *(She feel no persecution, maybe she is wrong. did David or*
Karen has the same feeling. or any knowledge about is. Obvious David or Karen
never tell her go ahead make fake for him.)

25 Q. Did that surprise you?

1238

E41JLIU4

Yu - direct

1 A. Yes.

2 MR. FISCHETTI: Objection.

3 THE COURT: Overruled. I will allow it.

4 BY MR. EGAN:

5 Q. Other than Victor, did you in this initial point talk to
6 anyone else at the firm about that?

7 A. Yes, later I talked to another attorney in my office, and
8 later on when we were closer, Ms. Feng Li and other co-workers,
9 I talked with them.

10 Q. So while you wrote these stories, would the clients
11 typically be there?

12 A. Yes.

13 Q. What else? I think you mentioned you worked on evidence at
14 this stage as well?

15 A. Yes.

16 Q. What sort of evidence would you be working on?

17 A. I also needed to prepare attesting letters from their
18 families or friends. In those letters their friends or family
19 should prove the persecution.

20 Q. You mentioned one of the first steps was talking to a
21 client about what sort of evidence they would need for their
22 claim?

23 A. Yes.

24 Q. Did each claim require different kinds of evidence?

25 A. Everybody must provide an ID, birth certificate. If

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E41JLIU4

Yu - direct

1 they're married, a marriage certificate or their case
2 certificate. Each client should provide attesting letters from
3 their family or friends and one year evidence.

4 Q. Starting with those certificates, while you're at the firm
5 did you ever know of an applicant to submit forged
6 certificates?

7 A. I don't know. *(No fake certificate submit, as Victor tested. No contact
with Chinese fake document producer either, otherwise she work there for 3 year
should would know)*

8 Q. With respect to the letters, the attesting letters, would
9 those be different depending on what type of claim?

10 A. Yes.

11 Q. For a Christianity claim, what sort of attesting letters
12 would an applicant need?

13 A. For Christian claim, the only way, we prepare three
14 letters, one letter from the applicant's family, another from
15 their church friend, and a third one from their private church
16 in China.

17 Q. Who would write these letters?

18 A. Anybody can write them. What do you mean? I am sorry.

19 Q. Who would actually draft them?

20 A. Okay, the paralegal.

21 Q. In your time at the firm, you wrote these letters?

22 A. Yes.

23 Q. How would you determine who they were from?

24 A. You know, when I prepared those attesting claims, sometimes
25 I need to ask my friend tell me your church friend's name or

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E41JLIU4

Yu - direct

1 boyfriend's name. At that moment they cannot tell me the name
2 because we also need those people's ID to attach to those
3 letters. Sometimes the client doesn't know which person would
4 help them, I mean a copy of the letter and provide the ID. So
5 we just leave their name blank, maybe a few days later we'll
6 have the client find the people who would like to help them,
7 tell us the name and we fill in the name.

8 Q. Where would the content, the actual content from the
9 letters come from?

10 A. The content?

11 Q. What the letter said, what it described?

12 A. Okay. We just read again their stories. For example, if
13 this is a Christianity case, and this letter from the
14 applicant's family, they would just say this applicant was in
15 China persecuted and sometime in -- it is almost a repeat of
16 their story.

17 Q. In writing these letters, would you ever talk to witnesses?

18 A. No. When I wrote the letter, I would never do that.

19 Q. Were these stories written on computer or by hand?

20 A. Computer.

21 Q. What about the evidence?

22 A. Our evidence?

23 Q. Well, the attesting letters?

24 A. Yes, in computer.

25 (Continued on next page)

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E41Wliu5

M. F. Yu - direct

1 BY MR. EGAN:

2 Q. In the computer?

3 A. Yes.

4 MR. EGAN: Can I pull up Government Exhibit 677, and
5 can I zoom in on the screen itself. Actually, zoom out for a
6 sec. Sorry. At the very top, in the blue, at the sort of
7 title bar there.

8 Q. What does that say up there?

9 A. Attesting letters.

10 Q. Do you know what CN means?

11 A. That means Chinese version.

12 Q. Chinese version?

13 A. Yes.

14 MR. EGAN: Can we zoom in on the sort of top portion
15 there.

16 Q. Take a moment to look at that. What does that look like to
17 you?

18 A. That's a draft of attesting letter.

19 MR. EGAN: And can we actually put up the translation
20 side by side.

21 Q. Do you see there are a couple places there where it says
22 XXX. Starting with the date, why would XXXs be used in the
23 date?

24 A. Based on my experience, when the paralegals preparing these
25 letter, the applicant didn't provide the name of the, of the

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E41Wliu5

M. F. Yu - direct

1 peoples so we just use XX to symbolize the name.

2 Q. To be filled in later?

3 A. Yes.

4 Q. What about for the date? Why would the date have Xs in it?

5 A. We want to tell the client just to fill the date when your
6 friend copy this letter back hand, I mean, on the date.

7 MR. EGAN: You can take those down.

8 Q. After you were done typing up the story and the letters,
9 what would you do with it?

10 A. I would print them out, hand them to our clients. Then
11 they will send those letters back to China and ask their
12 families and friends to copy the drafts by hand, then mail
13 back.

14 Q. Before that step, did your letters and stories have to be
15 reviewed by anybody?

16 A. Yes. Yes. After I wrote a story and attesting letters,
17 Ms. Liu or other attorneys will review them.

18 Q. When you first started at the firm, who did most of the
19 reviewing?

20 A. Ms. Liu.

21 Q. When did you start giving to other attorneys?

22 A. In about 2009, Feng Li took over the job. He reviewed my
23 stories and Victor's stories.

24 Q. And in your experience, even after 2009, would Ms. Liu
25 still review letters and stories?

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E41Wliu5

M. F. Yu - direct

1 A. Yes.

2 Q. So what would she do with the letters and stories?

3 A. She would review the logic and language.

4 Q. The logic and language?

5 A. Yes, yes. And at an early stage of my early stage as a
6 paralegal, I don't have experience. Sometimes logic of story
7 doesn't sound credible.

8 Q. When you say the logic of the story, what do you mean?

9 A. I mean I made up the story so sometimes it doesn't sound
10 like a real story. So the logic is not sounds like a real
11 story.

12 Q. When she reviewed that, would she indicate her comments
13 anywhere?

14 MR. FISCHETTI: Objection. Leading.

15 THE COURT: I'll allow it.

16 A. Yes. Yes. She, she would just make note, make notes on my

17 drafts. Sometimes add and delete some sentence I wrote.

(No evidence about the note, if any. she is attorney, she have link with James Lin, if there any notes, she will offer with other evidence to the court)

18 Q. Say that again. Add or --

19 A. And delete the sentences I wrote, and change some scenarios
20 without confirming with the clients.

21 Q. When you say change scenarios, what do you mean by that?

22 A. I can, in that draft, I didn't mention the clients was beat
23 up so severely, but she would just add the sentence to describe
24 how or when and how the client was beat up.

25 Q. Would she ever explain to you why she was making the

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E41Wliu5

M. F. Yu - direct

1 changes she made?

2 A. At first she explain sounds credible, sounds better.

3 Q. And you said that when she made these changes, would she
4 talk to the client?

5 A. No.

6 Q. Were there any other details of the story she would change?

7 A. Yes. A few times, she change the claim completely.

8 Q. What do you mean by that?

9 A. I had a case that is a female applicant. At first her
10 claim is family planning and I wrote a story. Her, she did
11 gave, give birth to boy in government hospital in China. I
12 just wrote the story based on her real life, just to add some
13 persecution part. Then I handed the story to Ms. Liu. But
14 since this woman already gave birth to baby in China, so it's
15 not easy to win the case, Ms. Liu just kept this case. A few
16 months later, I met this applicant again. I talked with her.

17 She said her claim changed to Christianity. But those cases
18 didn't happen very often.

*(client complain you are lazy and made fake story for her, so she did like you,
she ask other paralegal help pursue her real claim)*

19 Q. When Ms. Liu would make comments, how would she make
20 comments, orally or in writing?

21 A. In writing.

22 Q. And where would she make those comments?

23 A. Just on my drafts.

24 Q. After you got the comments, what would you do with that?

25 A. Then I went back to my computer and change my copy based on

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E41Wliu5

M. F. Yu - direct

1 her, just on her notes, then print the drafts out, let the
2 client copy by hand.

3 Q. You said let the client copy by hand?

4 A. Yes.

5 Q. Why did the client copy by hand?

6 A. So seems the story were written by themselves.

7 Q. What about the letter, what would you do with the letters?

8 A. The same thing. After Ms. Liu or Feng Li review, I just
9 ask her clients to copy by hand.

10 Q. And did you give them any instructions with respect to
11 those letters?

12 A. I'm sorry?

13 Q. Did you give them any instructions about what to do with
14 those letters?

15 A. Yes.

16 Q. What were those instructions?

17 A. Sometimes we would suggest use different, different style
18 paper to copy the letters. Don't use the same paper for, for
19 every letters.

20 Q. And why not?

21 A. If the same paper, the same, seem like fake.

22 Q. And any other advice you would give them?

23 A. Yes. We want make sure they, the date on the letter are
24 different.

25 Q. The dates on the letter?

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E41Wliu5

M. F. Yu - direct

1 A. Yes.

2 Q. Why was that important?

3 A. They use the same kind of paper and wrote the letter on the
4 same date, seems too coincident, seems fake.

5 Q. I think you said earlier they would then send these letters
6 back to China?

7 A. Yes.

8 Q. When they were sent back, were they sent back to the
9 applicant or to the firm?

10 A. To the firm.

11 Q. So you've mentioned certificates and the letters. You also
12 mentioned one-year evidence. What is one-year evidence?

13 A. One-year evidence, we required the client to prove
14 witnesses. The witnesses must prove affidavit and the
15 affidavit shows the witness met the applicant in China within
16 one year before the applicants made the asylum application.
17 And also, if they can, we would ask them to provide some
18 shopping receipt or airline ticket to show they, that some of
19 their asylum application one year after they arrive in this
20 country.

21 Q. In your experience at the firm, were there ever people who
22 had been in the country for more than a year?

23 A. Many of them.

24 Q. Dealing with specifically that first type of evidence, how
25 would they get a witness?

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E41Wliu5

M. F. Yu - direct

1 A. Sometime they just ask their family or friends do a favor
2 and sometime they, they just use money to pay a witness to
3 testify for them.

4 Q. Did you ever see, in your experience at the firm, someone
5 who testified as a one-year witness for more than one
6 applicant?

7 A. Yes.

8 Q. Were there ones who testified for several applicants?

9 A. Yes.

10 Q. You also mentioned getting receipts. How would a client
11 get receipts showing they'd been in China within the last year
12 when they had not been?

13 A. Some clients told me their families in China bought the
14 blank receipts and their families are filling the blank
15 receipts just to fill the products they bought in China and put
16 the date in the receipts.

17 THE COURT: When you said receipts, did you say blank
18 receipts?

19 THE WITNESS: Yes.

20 BY MR. EGAN:

21 Q. Other than receipts, were there other types of evidence
22 along the lines of what you're describing?

23 A. Sometime they, they can buy airline tickets.

24 Q. An airline ticket?

25 A. Yes.

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E41Wliu5

M. F. Yu - direct

1 Q. How would they get an airline ticket?

2 A. Just they buy the ticket. I don't know how they get them.

3 Q. When you say buy the ticket, do you mean a real ticket or
4 fake ticket?

5 A. Fake ticket.

6 Q. Would they buy that in the United States or in China?

7 A. In China.

8 MR. MAHER: Judge, could we approach briefly.

9 THE COURT: Yes.

10 (Continued on next page)

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E41Wliu5

M. F. Yu - direct

1 (At the side bar)

2 MR. MAHER: Judge, I just wanted to reraise the
3 objection we made earlier. Almost every question is being
4 framed as would, would you have met clients, what would
5 Mrs. Liu or other lawyers have said, what would they have done,
6 what would you have done. There is absolutely no specificity
7 at all, and I don't think it's proper. I don't think it's
8 proper testimony and not proper questions, and my concern as
9 far as my client, Ms. Bandrich, is that it's going to spill
10 over, that the jurors will think there's just generalized
11 practice going on with no specificity at all.

12 MR. FISCHETTI: Can I just join in that, please. I
13 raised that before, Judge, and one of the problems with it is
14 that the questions are inherently leading, Would you, would
15 they, and really suggesting the answer. And that dovetails to
16 what we're talking about. The defense of this case, Judge,
17 basically is going to be, and I think the government knows and
18 may well be put forth by me, that there are a number of people
19 that worked for Feng Ling Liu in the firm that may have been
20 doing corrupt things, but she basically didn't know about it.
21 So every time he says the firm, it's Feng Ling Liu's firm and
22 it impacts my client, and I don't think he should use that
23 term. Your Honor allowed it last time.

24 THE COURT: Allowed what term?

25 MR. FISCHETTI: The firm. I objected to that and your

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E41Wliu5

M. F. Yu - direct

1 Honor overruled my objection and said they can say the firm.
2 What Mr. Egan is saying, he's making this a fraud factory.
3 That may be his argument, but he can't say the firm. The
4 testimony that my client trained her is going to be tested by
5 me, and that's okay, if he wants to say that, but he can't keep
6 continually saying the firm would do this.

7 MR. EGAN: I asked what she did. I said in your
8 experience at the firm, what did you do when somebody --

9 MR. FISCHETTI: I think you're saying what would they
10 do, what would the firm do.

11 THE COURT: I thought I had actually sustained these
12 objections in the past and I think I've indicated once before
13 that the government should be careful to make sure they're
14 eliciting what particular people did, and I know you've been
15 asking what she did, but instead of using the word "would," and
16 I think I've said this before, ask what did happen, what did
17 you see, not what would happen, but what did you see. And in
18 doing that also be sensitive not to lead, but focus more on
19 what actually happened and who did it and not what would happen
20 as a matter of course.

21 MR. MAHER: Also what she did, what would she have
22 done.

23 MR. EGAN: I apologize. I don't believe I was asking
24 that. If I was, I'll look back at it. I'm trying to ask what
25 she did in the circumstances. Obviously she worked there for

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E41Wliu5

M. F. Yu - direct

1 three years, and she is trying to provide examples.

2 THE COURT: If she provides an example, I think you
3 can follow up and say when that happened, what did you do, as
4 opposed to what would you do. Okay?

5 MR. EGAN: All I'm trying to get at is, and it seems
6 to me completely permissible, you worked here and you dealt
7 with, and I try to preface it with you dealt with a lot of
8 situations, did you have people who had been here more than a
9 year, yes, many of them, how did you handle those situations.

10 THE COURT: Again, that's fine. Asking what she
11 actually did is fine. I think the objection is to the words
12 "what would you do," and I think we have had this conversation
13 before, as opposed to, What did you do when you were
14 encountering X situation. So let's focus more on what was done
15 and be sensitive to not grouping people together and not talk
16 about the firm, but who did what. I think you have been
17 focusing on individuals. Okay?

18 MR. MAHER: Okay.

19 MR. FISCHETTI: Thank you, Judge.

20 (Continued on next page)

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E41Wliu5

M. F. Yu - direct

1 (In open court)

2 BY MR. EGAN:

3 Q. What documents were included in the initial submission that
4 you made to the asylum office?

5 A. About the application, I did cover birth certificate,
6 marriage certificate, kid certificate.

7 Q. What was that last one?

8 A. Children's certificate.

9 Q. Children's certificate?

10 A. Yes. And the 5A9 application form, their story and their
11 attesting letters and the affidavit from, from the one-year
12 witness.

13 Q. When all those documents were assembled, who signed the
14 form at that point?

15 A. Always attorneys sign at the firm.

16 Q. Was there a particular attorney whose job that was, or
17 could any attorney sign?

18 A. Could any attorney. Ms. Liu assign the job which attorney
19 should sign the application.

20 Q. And who, when you started, were the attorneys at the firm?

21 A. Ms. Liu herself.

22 Q. And who were the other attorneys?

23 A. Then Feng Li sign the application form. Then I sign and
24 Bebe Xue sign a few and Troy Moslemi sign.

25 Q. When you signed those forms, would you ever review the

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E41Wliu5

M. F. Yu - direct

1 documents?

2 A. No. My job is only to sign on the firm. I don't have

3 authorization to review the application.

As lawyer you just sign the paper and don't have right to review it? who will believe it.

4 Q. When you say your job is to review the form, who told you

5 that was your job?

6 A. Ms. Liu said, she call me to sign those forms.

7 Q. She called you?

8 A. Yes.

9 Q. What do you mean by that?

10 A. Because in 2010, she didn't come to office very often, so

11 we really communicate through phone. I remember one day she

12 call me, From now on please sign those application forms.

13 Q. One second. Let me hand you what's in evidence as

14 Government Exhibits 505, 507, 508, and 513, already in

15 evidence. I just want to show you some examples. Starting

16 with 505, if you can take a moment to look at that, do you

17 recognize that?

18 A. Yes. I prepared this application form, her story and her

19 attesting letters. Her story is not true.

20 Q. In what way is it not true?

21 A. I wrote the story for her. She didn't tell me her

22 persecution and even her relationship with her boyfriend I made

23 up.

24 Q. Do you know whether she had a boyfriend?

25 A. I don't know.

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E41Wliu5

M. F. Yu - direct

1 Q. What kind of claim was that?

2 A. It's a family-planning claim, and in her story she claimed
3 she, the Chinese government gave her forced abortion because
4 she got pregnant before marriage.

5 Q. And turning to Government Exhibit 507, you can take a
6 moment to just look at that. Do you recognize that?

7 A. Yes, I remember this male applicant.

8 Q. You said male applicant?

9 A. Yes.

10 Q. What do you remember?

11 A. I prepared his story. He's a very quiet, quiet man. He
12 didn't talk too much. I just based on her -- his marriage and
13 when his children were born and made up the story.

14 Q. So the details you described first, that's what the
15 information you had?

16 A. Yes.

17 Q. What kind of claim is it?

18 A. Family planning. In the story, he claim his wife suffered
19 a forced abortion and he, when he protected his wife, he was
20 detained by the family planning officers and beat up by the
21 family planning officers.

22 Q. Now look at Government Exhibit 508. Do you recognize that
23 one?

24 A. Yes.

25 Q. What do you remember about that application?

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E41Wliu5

M. F. Yu - direct

1 A. I remember this girl. I, I wrote this story.

2 Q. What kind of story is it?

3 A. Also family planning.

4 Q. What's the nature of the persecution?

5 A. She, she got pregnant before marriage and family planning
6 officers forced abortion on her baby.

7 Q. Was that story real or fake?

8 A. Fake.

9 Q. What parts of it are fake?

10 A. From her relationship with her boyfriend to her
11 persecution, all a fake.

12 Q. All of that is fake?

13 A. Yes.

14 Q. Looking at Government Exhibit 513, do you recognize that
15 one?

16 A. Yes. It's a Christian case.

17 Q. What do you remember about that case? What was your role
18 in that application?

19 A. I know this story. I remember this applicant's face. It's
20 a Christian case. She -- he said he believed in Christian in
21 China, attending a private church in China, but he was arrested
22 and detained for a while.

23 Q. Is that story real or fake?

24 A. Fake. I wrote it for him. He didn't tell me.

25 Q. What, if any, details in there are real?

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E41Wliu5

M. F. Yu - direct

1 A. I used, when I, maybe I, when I wrote the story, I, I asked
2 him who provide you attesting letter, just to give me the
3 relationship, the people who provide you letter, maybe he tell
4 me his aunt would write a letter for him. So I just wrote his
5 aunt introduced him to the church.

6 Q. You can put that down. Just to be clear, are the
7 applications you're looking at the only fake applications you
8 worked on?

9 A. No.

10 Q. After an application was submitted, did the firm have any
11 more interaction with the client?

12 A. Yes. We would prepare them for the asylum interview.

13 Q. Whose job was it to prepare them?

14 A. Several people did that job. Harry, Lucy, Lillian, Victor,

15 Andy, Vivian.

David never prepare them, otherwise he will find out the fraud and stop it.

16 Q. Who is Andy?

17 A. Andy, Andy is Ms. Liu's niece -- nephew. I'm sorry.

18 Q. And how long after the application was submitted would the
19 asylum interview take place?

20 A. A few weeks.

21 MR. EGAN: I don't know if we're taking an afternoon
22 recess.

23 THE COURT: Why don't we take a break, but really keep
24 it to five minutes to use the restroom and come back.

25 (Recess)

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E41Wliu5

M. F. Yu - direct

1 THE COURT: How are we doing on scheduling? Same
2 expectation?

3 MS. MERMELSTEIN: I think we are a little behind where
4 we thought we'd be today, but we still think we will rest this
5 week.

6 (Jury present)

7 THE COURT: You may proceed.

8 MR. EGAN: Thank you.

9 Q. We were talking about preparation for the asylum interview
10 stage. Did the firm maintain any materials to help with that
11 process?

12 A. I'm sorry? Can you repeat.

13 Q. Did the firm maintain any materials to help with the
14 preparation for the asylum interview?

15 A. Yes.

16 Q. What sort of materials?

17 A. We have some religion knowledge, Christianity knowledge,
18 falun gong knowledge, and the question the asylum officers will
19 ask.

20 Q. When you say knowledge, what do you mean?

21 A. We have some Q & A.

22 Q. Q & A?

23 A. Yes. Like the question about the religion and we provide
24 the answer. We would hand those documents to our client, ask
25 them to memorize those knowledge.

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E41Wliu5

M. F. Yu - direct

1 Q. And you had these for things other than religion?

2 A. Yes. Also for falun gong.

3 Q. In your experience, how often were clients granted asylum
4 at the asylum interview stage?

5 A. No more than five percent.

6 Q. Did the firm take any steps to try to increase the
7 percentage of applicants who were approved at this stage?

8 A. Yes.

9 MR. FISCHETTI: Objection.

10 THE COURT: Sustained.

11 BY MR. EGAN:

12 Q. Did anyone at the firm take steps to increase the approval
13 rate at this stage?

14 A. Yes.

15 Q. Who?

16 A. Victor You. In about 2010, Ms. Liu send Victor to asylum
17 office. He, he worked there as interpreter there, and he
18 listened what the asylum officers would ask, and when he came
19 back to the office, he create a lot of documents, including the
20 Q & A, the asylum officer's question, and which asylum officer
21 is easier to grant the case.

22 Q. Which asylum officer was easier to grant the case?

23 A. Yes.

24 Q. How would the firm, how would, would someone, how was that
25 information used?

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E41Wliu5

M. F. Yu - direct

1 A. He create some documents to bring out and hold them on the
2 wall of the office and he also prepare the clients for the, for
3 asylum interview. He also train other paralegals about the
4 preparation.

5 Q. Who directed him to do this?

6 A. Ms. Liu.

7 Q. What happened if someone is not granted asylum at the
8 interview stage?

9 A. They need to go to court.

10 Q. To immigration court?

11 A. Yes.

12 Q. So after they get their denial, what's the next step?

13 A. You mean at the asylum office?

14 Q. So if they get denied at the asylum office, what's the next
15 step?

16 A. They would try to schedule master hearing first.

17 Q. What's a master hearing?

18 A. The judge set up a meeting.

19 Q. Set up a meeting, you said?

20 A. Yes. And the applicant should appear at the court and the
21 judge would ask the basic information about the, the case and
22 then schedule individual hearing.

23 Q. What was the time period typically from rejection at the
24 asylum office to a master calendar hearing?

25 A. I'm sorry. From asylum office?

1265

E41Wliu5

M. F. Yu - direct

1 the handwriting there?

2 A. Yes. Vanessa's handwriting.

3 Q. And what about Government Exhibit 402?

4 A. Vanessa's handwriting, too.

5 Q. You can put those down.

6 Among the lawyers at the firm, were there any that you
7 were close with or saw socially?

8 A. Yes. I was close with Betty, Bebe Xue, Victor, Feng Li,
9 and Vanessa.

10 Q. What did you guys do together?

11 A. Sometime we had lunch together and with some people we hang
12 out very often.

13 Q. How frequently would you have lunch with those people?

14 A. A few weeks, every few weeks.

15 Q. Did you guys ever discuss what happened at the office?

16 A. Yes.

17 Q. What did you discuss?

18 A. When we had lunch, we talked the cases we had, we had, and
19 mistakes of those cases and our concerns about the case and our
20 jobs.

21 Q. When you say concerns about your case and your job, what do
22 you mean by that?

23 A. You know, because a lot of cases are fake, when people
24 fabricate those documents, they're very easy to make mistakes,
25 so when we represent clients in court, so we have so many

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E41Wliu5

M. F. Yu - direct

1 mistakes, it's so embarrassed, and we know this job is illegal.

2 I, I expressed several times during the lunch and worry about
3 this job, I'm worried about getting into trouble, so I want to
4 quit the job.

5 Q. Which individuals did you express those concerns to?

6 A. I expressed to several people, Victor, Feng Li, Vanessa.
7 And other people.

8 Q. What, if any, response did you get from Victor?

9 A. Victor? You mean Victor? He raise, he quit the job
10 first -- no. He was fired.

11 Q. Do you remember ever raising these concerns with Vanessa
12 Bandrich?

13 A. I'm sorry. What's the question?

14 Q. Do you ever remember raising these concerns at a lunch
15 where Vanessa Bandrich was?

16 A. Her concern or my concern?

17 Q. Your concerns.

18 A. My concern. Yes. I talked about I'm afraid the office
19 have been targeted by the government because we had many bad
20 cases and before, in two, in the summer of 2011, the office had
21 a very bad case. My signature in the form, I never reviewed.
22 The asylum officers found out that case. The applicant just
23 admit everything were prepared by the office, not her, and my
24 signature was there, so I was very scared. I expressed my
25 concerns many times.

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E41Wliu5

M. F. Yu - direct

1 A. Yes.

2 Q. In the immediate lead-up to your leaving?

3 A. I'm sorry?

4 Q. Immediately prior. I know you discussed some other
5 conversations, but immediately prior to leaving, did you have
6 any discussions about concerns that you had?

7 A. Yes. I also had such conversation with Ms. Liu in person.

8 Q. With Ms. Liu?

9 A. Yes. As I told, when that bad case happen, there are a lot
10 of rumors around the office, so I think everybody in the office
11 was scared.

12 MR. FISCHETTI: Objection. "I think everybody."

13 THE COURT: Just say what particular people did, to
14 the extent you remember. Don't kind of group them together and
15 say everyone did this. Say who you remember doing what. Okay?

16 THE WITNESS: Okay.

17 THE COURT: Thank you.

18 A. Okay. You know, one day, Ms. Liu came to the office. She
19 had a private conversation with Feng Li first. I sat at same
20 office with Feng Li. I overheard what they were talking about,
21 and then she moved to my desk and she talked with me about that
22 case and she also said don't worry, if the government give the
23 trouble to this office, the government want her or David, it's
24 not me or Feng Li, so she try to comfort us.

25 Q. Now, also, going back to sort of preparation, you mentioned

1270

E41JLIU6

Yu - direct

1 Q. When attorneys prepared clients, would they use any of the
2 materials that you described that were used in preparing for
3 the asylum interview?

4 A. I don't know.

5 Q. Did you use --

6 A. Yes, I used those documents.

7 Q. I want to -- if we can pull up Government Exhibit 407 -- if
8 we can do 407 T as well.

9 Do you recognize that?

10 A. Yes, that's the Christian knowledge I mentioned Q and A.

11 Q. Did you use that while working at Feng Ling Liu law firm or
12 Moslemi Associates?

13 A. Yes. I often gave those knowledge to our clients before
14 the interview interview and the hearing.

15 Q. If we can pull up Government Exhibit 408 and 408 T. Do you
16 recognize this?

17 A. Yes, it is another version of Christian knowledge.

18 Q. Did you use this while you were working at Feng Ling Liu or
19 Moslemi?

20 A. Yes.

21 Q. How would you use it in your preparation?

22 A. I would bring them out and hand them to the clients and ask
23 them to memorize every question in this paper.

24 Q. Looking at Government Exhibit 410, do you recognize that?

25 A. Yes, also Christian knowledge.

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E41JLIU6

Yu - direct

1 Q. Now, you testified -- you can take that down -- that
2 shortly after you started working there, you realized that most
3 of the applications were fake.

4 Why did you stay?

5 A. They cannot tell me what happened on them.

6 Q. Why did you stay at the firm?

7 A. Because it is a long story. At first I wanted to take the
8 Bar exam. Then my husband came to the United States, so we
9 needed a job because I needed status. My husband got status, I
10 can transfer based on him, so I needed the job.

11 Q. You testified previously about sharing your concerns with
12 people. Was there ever a time that people at the firm took
13 steps to protect itself?

14 A. Yes.

15 Q. When was that?

16 A. In early 2009 Ms. Liu changed the firm's name under choice,
17 Moslemi. In 2011 she asked Harry to create a new firm.

18 Q. She asked Harry to create a new firm?

19 A. Yes.

20 Q. Starting with the name change, did anyone ever tell you why
21 that was being done?

22 A. Yes.

23 Q. Who told you?

24 A. Try and Victor told me.

25 Q. What did they say?

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E41JLIU6

Yu - direct

1 A. He said Ms. Liu doesn't want to attract the government's
2 attention because the firm is so big, they have so many cases.

3 Q. What, if anything, happened around 2009 that led to some of
4 these changes?

5 A. I am sorry?

6 Q. What, if anything, happened in 2009 that led to some of
7 these changes?

8 A. 2009, they changed the name while I was preparing for my
9 Bar exam. When I came back from my vacation, the name already
10 changed.

11 Q. Was there ever a time where other changes were discussed or
12 implemented?

13 A. Yes, yes. In 2009 one day Troy came to our paralegal's
14 office and he said an immigration office in Boston was cracked
15 down by the government because they were doing the same thing
16 like we did.

17 He was scared and then he talked this issue of this
18 Harry. I believe he also talked the business knew about this
19 case. So later the office policy changed. We tried to ask the
20 client to --

21 Q. First, before you get into that, who communicated these
22 policy changes?

23 A. I forgot the specific person. Should be Ms. Liu.

24 Q. Do you remember any specific --

25 MR. FISCHETTI: I didn't hear that answer.

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E41JLIU6

Yu - direct

1 THE COURT: Would you repeat the answer please.

2 MR. FISCHETTI: Did you say should be? I object and
3 move to strike.

4 THE COURT: It is not the specific person should be,
5 Ms. Liu. You can't say who somebody should be. You have to
6 say what you remember actually happening.

7 THE WITNESS: Okay.

8 BY MR. EGAN:

9 Q. Do you remember any specific meeting or changes about a
10 conversation about these changes?

11 A. Yes.

12 Q. Describe that meeting.

13 A. The meeting in our paralegal's office, we were notified,
14 asked the client to draft their story first. We can change it
15 based on their drafts.

16 Q. The first step, who called this meeting?

17 A. I am sorry, I forgot the specific person.

18 Q. One policy change you said that the clients were going to
19 draft the story first?

20 A. Yes.

21 Q. And what other steps?

22 A. And the client drafted the attesting letter based on their
23 story. Then we review their story and attesting letter and
24 make some changes.

25 Q. If the stories weren't real, what did the clients base

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E41JLIU6

Yu - direct

1 their stories on?

2 A. You know, when I asked the client to write their stories,
3 many, many people don't know how to write. So I always gave
4 them some samples.

5 Q. Some samples?

6 A. Yes.

7 Q. Did this policy, this having clients write their stories
8 first, did that get implemented?

9 A. Yes.

10 Q. How long did it last?

11 A. For me, I carried out that policy a few months, but I had
12 so many cases, a lot of the clients don't know how to write, so

13 sometimes I just gave up and I wrote for them.

(David never allow you wrote for them, you just are lazy, don't have patient)

14 Q. You just went back to writing for them?

15 A. Yes.

16 Q. What other policy changes?

17 A. Like we were told never talk sensitive, have any sensitive
18 conversations through phone, always ask the client to come to
19 the office.

20 Q. Why was that?

21 A. Because there is a rumor the government has already tapped
22 our phone.

23 Q. Any other policy changes?

24 A. Sorry, I forgot.

25 Q. Those are the ones you remember?

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E41JLIU6

Yu - direct

1 A. I am sorry?

2 Q. When you would write a story and get comments back, what
3 would you do with the draft that had comments on it?

4 MR. GERMAN: Objection.

5 THE COURT: What did you do?

6 BY MR. EGAN:

7 Q. What did you do with the draft that had comments on it?

8 A. At first I don't know how to protect myself, so I just
9 delete the draft.

10 Q. Did there come a time when that changed?

11 A. Yes. In the summer 2010 Ms. Liu asked to destroy the
12 drafts in every files. She used several months to do this.

13 Q. Who is Ann?

14 A. Ann, Ann is another paralegal in the office, and she's a
15 sister of David.

16 Q. When you say the "files," are those the hard copy files?

17 A. Yes.

18 Q. What, if anything, was done to the computer files, if you
19 know?

20 A. In the computer I always saved the final version. As I
21 know when Tom, who did the translation, translated the Chinese
22 story to English, he always deleted the Chinese version in our
23 computer.

24 Q. After Ann was asked to destroy these, did that change your
25 practice?

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E41JLIU6

Yu - direct

1 A. At that time I had already been working as an attorney.

2 Q. So you weren't dealing with the stories any more?

3 A. I didn't need to write the story.

4 Q. Did you, in response to these concerns, did you take any
5 personal steps to protect yourself?

6 A. Yes.

7 Q. What did you do?

8 A. Before I left the firm, I had some conversation with
9 Victor. He said we were getting travel in the future so to
10 protect ourselves, get some documents from the office, maybe
11 someday we will use it to protect ourselves.

12 Q. Again when did you end up leaving the firm?

13 A. October 15, 2011.

14 Q. Why did you leave on that date?

15 A. My husband H-1 visa expired on October 1st. I told Ms. Liu
16 I want to quit.

17 Q. That day you told her?

18 A. The first week of October, but she wanted me to stay one
19 more week, so I left on October 15th.

20 Q. Where, if anywhere, did you work after that?

21 A. From October 15th until I got --

22 Q. Until you got what?

23 A. -- deferred action.

24 Q. What is deferred action?

25 A. Deferred action is a different action of removal.

1279

E41JLIU6

Yu - direct

1 A. Yes.

2 Q. You would have been able to if you did not have that
3 document?

4 A. No.

5 Q. So you needed that document to be able to return?

6 A. Yes.

7 Q. You mentioned working with the FBI. When did the FBI first
8 approach you?

9 A. February 2012.

10 Q. How long had you been gone from the firm at that point?

11 A. Four months.

12 Q. When they approached you, do you remember who approached
13 you?

14 A. Yes. FBI officer Dan Cruz and another officer, I forgot
15 what his name.

16 Q. What, if anything, did they say to you?

17 MR. FISCHETTI: Objection.

18 THE COURT: Sustained.

19 BY MR. EGAN:

20 Q. They spoke to you?

21 A. Yes.

22 Q. After that conversation, did you agree to cooperate with
23 the FBI?

24 A. Yes.

25 Q. I am showing you what is marked for identification as

1281

E41JLIU6

Yu - direct

1 A. No.

2 Q. Has the government or anyone else made any promises to you
3 that are not included in that agreement?

4 A. No.

5 Q. As part of your agreement, did you plead guilty to certain
6 crimes?

7 A. Yes.

8 Q. What crimes are those?

9 A. Immigration fraud.

10 Q. Do you remember how many different crimes you pled to?

11 A. I am sorry? I forgot.

12 Q. Did you plead to a count of immigration fraud?

13 A. Yes.

14 Q. Did you plead to a count of conspiracy to commit
15 immigration fraud?

16 A. Yes.

17 Q. When did you --

18 MR. MAHER: Is the witness reading the document?

19 THE COURT: Just answer based on your memory.

20 THE WITNESS: Yes.

21 THE COURT: If you can't remember something, just say
22 you can't remember, okay?

23 THE WITNESS: Okay.

24 THE COURT: Don't look at a document or anything else.

25 THE WITNESS: Okay.

1316

E42Wliu1

1 MR. GERMAN: Yes, your Honor. It's a pretty
2 straightforward issue. On potential Government Exhibit 112T,
3 there is approximately eight pages of recorded or transcribed
4 statements. Essentially, so your Honor understands, the CI
5 goes to the Bandrich law firm and is given his personal
6 statement to review and write out in Chinese. While he's doing
7 this, he's sitting at a table and the recorder continues to go.
8 The government has transcribed, I believe, six different
9 unidentified individuals in addition to Ms. Yang. We don't
10 know the context of these conversations. We don't know who is
11 speaking to whom.

12 First of all, it's hearsay. We have no idea who these
13 individuals are, and so I approached the government a few days
14 ago. This isn't a situation, your Honor, where we're just
15 trying to remove two sentences in the middle of a dialogue
16 between the confidential human source and Ms. Yang. This is
17 straight dialogue for eight straight pages. So what we're
18 talking about is just blocking out and redacting eight straight
19 pages and simply resuming once the confidential human source is
20 once again having a dialogue directly with Ms. Yang.

21 I think it's hearsay. I think even if it's relevant,
22 it is very confusing. We have these unidentified parties. Who
23 are they? What are they talking about? There's
24 unintelligibles all over the place in this part of the
25 transcript. And I thought we would be able to resolve it. I

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E42Wliu1

1 MR. EGAN: I'd ask you to stop there.

2 Q. Ms. Yu, first of all, the two voices that the jury heard
3 there, who were those two voices?

4 A. Vanessa and me.

5 Q. Had you ever heard while working at the firm Ms. Liu or
6 rumors that Ms. Liu wanted to close down the office?

7 A. Yes.

8 MR. MAHER: Judge, I'm going to object as far as
9 rumors.

10 THE COURT: Sorry. I didn't hear the basis of the
11 objection. Oh, as far as rumors.

12 MR. MAHER: Yes.

13 THE COURT: Yes. I think that's right. Sustained.

14 BY MR. EGAN:

15 Q. Had you ever heard that? First of all, when you're
16 discussing Ms. Liu here, we've heard a number of Ms. Lius, who
17 do you mean?

18 A. Feng Ling Liu.

19 Q. Have you ever heard from anybody that she was considering
20 closing down the office?

21 A. Yes.

22 MR. MAHER: Objection to leading, your Honor.

23 THE COURT: Please don't lead. Just ask who she heard
24 something from, if she heard it.

25 MR. EGAN: I was just trying to establish if she heard

1333

1 E42Wliu1
something like that.

2 Q. Who did you hear that from?

3 A. I heard it from Feng Li and Ann.

4 Q. And Ann?

5 A. Yes.

6 Q. What did Feng Li tell you?

7 A. Feng Li says Ms. Liu talked with him before and she
8 expressed her concern about safety of the firm and she said she
9 was thinking about to close the firm, but she also said her
10 husband, David, wants Feng Li to keep the business going.
11 That's --

12 Q. What do you mean by the safety of the firm?

13 MR. FISCHETTI: Objection.

14 MR. EGAN: It's her statement.

15 MR. FISCHETTI: What did she mean?

16 MR. EGAN: No. What did the witness mean when she
17 just testified about safety of the firm.

18 THE COURT: Just tell us what you meant, not what you
19 think that someone else might have meant. Okay?

20 THE WITNESS: Okay.

21 A. I mean the safety of the office. I mean we're doing a lot
22 of illegal thing. We filled a lot of fraud application, and we
23 were worried about the government target at us, our office.

24 Q. Do you recall the incident that is described here where
25 Ms. Liu tried to comfort you?

E42Wliu1

1 A. Yes.

2 Q. Describe the circumstances of that.

3 A. In summer, in about July 2011, a female applicant failed a

4 fraud application and the asylum officers just found evidence

5 against her and she, when asked at interview she told asylum

6 officer our office prepared a story for her, prepared

7 everything for her. So my signature was on that application.

8 That female applicant returned to our office after the asylum

9 interview. She told what happened at the asylum office to

10 Ms. Liu and David. Ms. Liu and David ask her to write

11 affidavit saying that it's her who wrote the statement, she

12 never told us she been living in this country more than one

13 year. And they also ask her to hide it from the government,

14 and I was very worried about this case because my signature was

15 on the application form. Li Feng also worry about and I also

16 talk with Ann, Lillian. I express my concern to those people,

17 so one day --

18 MR. MAHER: Objection at this point, Judge. It's no
19 longer responsive.

20 THE COURT: I'll let her finish her answer.

21 A. One day, Ms. Liu came to our office. She had talked to

22 Feng Li first about this case and about the worries and the

23 concerns around the office. Then she came to my desk and she

24 said, Don't worry about that case, they will handle well, and

25 if the government wants give some trouble to this office they

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E42Wliu1

1 want her and David, it's not me and Brandon.

2 Q. I want to turn your attention in the transcript to page 16
3 where it begins, "So Ms. Liu."

4 MR. GERMAN: Ms. Geier, can we play that.

5 (Audio recording played)

6 BY MR. EGAN:

7 Q. Ms. Yu, while you were working at the firm, did you ever
8 cut and paste a story directly?

9 A. I never done that.

10 Q. Why not?

11 A. Most time, I made up the story, but I would write a new one
12 based on, based on life experience of the applicants.

13 Q. Why is it a problem to cut and paste?

14 A. They will look very similar.

15 Q. In terms of similarity, when you said, "Every time a
16 Christian story comes, same thing," what did you mean by that?

17 A. I mean for every Christian story, we have the same story
18 logic, same story pattern. First paragraph we would introduce
19 to applicant background where he come from, how he believe
20 Christianity. And then second paragraph we would say where he
21 attended private church in China. And the third paragraph we
22 would say how he was arrested, he was detained and beat up.
23 Then last we would say how he left the country. Always the
24 same thing.

25 Q. If I can ask you now to turn to 133T, what is this? You

1336

1 E42Wliu1
said this was a transcript of another recording you made. Who
2 was involved in this?

3 A. Vanessa and me.

4 Q. What were the circumstances?

5 A. We had lunch at same cafeteria.

6 Q. And when did this take place?

7 A. June 2012.

8 Q. I ask you to turn to page three. About two-thirds of the
9 way down, it says, "Just like what I told you before."

10 MR. EGAN: And, Ms. Geier, we can play that.

11 (Audio recording played)

12 (Continued on next page)

13

14

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16

17

18

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1337

E240liu2 M.Yu - direct

1 A. If I can pause there for a second.

2 The amendment to the application that are described,
3 when you worked at the firm, did you ever have to do things
4 like that?

5 A. Yes, many times.

6 Q. Under what circumstances?

7 A. When we prepared package, we, the paralegal often made
8 mistakes in the stories or attesting letters, so to corrected
9 those mistakes, we wrote something, an amendment.

10 Q. What kind of mistakes?

11 A. All kinds of mistakes. Because the stories are not true.
12 It's made up by the paralegals. It is not easy to make a
13 perfect line. So they often made mistakes. For example, the
14 date, the -- in the letter, in a statement, it was said the
15 applicant was detained for, for example, eight days. But in
16 when preparing attesting letters, the paralegal carelessly
17 wrote six days, so such kind of mistakes.

18 Q. When that happened, when those mistakes were made, what did
19 you do?

20 MR. MAHER: Objection, formulation.

21 THE COURT: What did you do?

22 A. When I was working as a paralegal, I would have prepared
23 another attesting letter from the same person to explain why
24 they made a mistake in the last letter.

25 MR. EAGAN: We can keep playing.

1338

E2401iu2 M.Yu - direct

1 (Tape played)

2 MR. EAGAN: Looking back, when you said, you know,
3 these things happen every day, what things are you referring
4 to?

5 A. Refer several things. First, lot of cases we found have a
6 lot of mistakes. And many client have no idea about asylum.
7 So they just ask our office to do everything for them.

8 Sometimes they are very carefulized about our job.
9 And paralegals sometimes are very careful as to prepare the
10 evidence, to choose the evidence.

11 We also -- some ladies who are asylees, they get their
12 green card from asylum.

13 Q. And towards the bottom of it, when you said, Yes, they
14 really don't deserve, who are you referring to, they?

15 A. I mean the clients.

16 Q. I want to -- and let me ask you this. You also said: I
17 don't think the government will ban this.

18 What did you mean by that?

19 A. I mean I don't think the U.S. government will ban those
20 asylum in the future.

21 Q. I want to -- if I can ask you to skip to 139. You
22 testified yesterday that's a transcript of a conversation.

23 Who was involved in that conversation?

24 A. Vanessa Foley and me.

25 Q. And where did this take place?

1339

E2401iu2 M.Yu - direct
1 A. At the same cafeteria.

2 Q. Say that again?

3 A. The same cafeteria.

4 Q. And approximately when was that?

5 A. July 2012.

6 Q. I just want to play a short part. If we can go to page
7 four, towards the bottom, when it says: When I have to.

8 (Tape played)

9 BY MR. EAGAN:

10 Q. Are you familiar with the case she is describing?

11 A. I'm not very familiar with that.

12 Q. Why is it a problem if someone had come to the country
13 previously and not asked for asylum?

14 A. I'm sorry?

15 Q. Why is it a problem, if someone had come to the country
16 previously and not asked for asylum?

17 A. Oh. If they suffer persecution, they know U.S. Government
18 accept asylum, why they wait so long to make their application,
19 that would be issue for the ground of the case.

20 Q. Did you ever have cases like that?

21 A. I -- I don't have such kind of case.

22 Q. I want to, I want to -- we're skipping ahead to 154. If
23 you can, you can see there are several parts of that
24 transcript. But let me ask you, first, was there anybody else
25 that the FBI asked you to record conversations with?

1342

E240liu2 M.Yu - direct

1 A. Yes.

2 Q. And Liu is Feng Ling Liu?

3 A. Yes.

4 Q. I'm going to ask you, if you can, starting at the bottom of
5 12, to read the parts that are you, and Ms. Mermelstein will
6 read the parts of Feng Ling Liu.

7 A. Okay.

8 Q. So starts where it says: What about the client.

9 Now.

10 "FENG LING LIU: I said that there was a significant
11 level dependence.

12 "YU: Oh.

13 "FENG LING LIU: They do not want to think. You tell
14 them one less thing, and that's where they leave live it. That
15 is it, that is that.

16 "YU: It used the be the case as well, the level of
17 the dependence used to be significant too.

18 "FENG LING LIU: That's what I'm saying. So it is
19 relatively more painful when you work on it. Hm.

20 "YU: What I worry the mostly is that things are okay
21 in terms of discussion at the office, but they immediately
22 forget what they prepared as soon as they arrive in court.

23 "FENG LING LIU: Yeah, so you need to repeatedly
24 emphasize with her, and that everyone needs to be taught these
25 things when they come in. These, whatever you say in front of

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E2401iu2

M.Yu - direct

1 me today, that's what you say, even if there is a knife on your
2 neck when you go to court. If they pressure you about what
3 time on that day, what was the weather like that day, and so
4 on, and you have no idea, you cannot simply spit it out if they
5 ask you three times. Some people make it up carelessly. After
6 you make up the first sentence, you won't be able to make up
7 the next sentence, and then you will be exposed in a short
8 amount of time. So I think you need to emphasize repeatedly
9 for each case, and then the assistant needs to make it very
10 clear, when making preparations not, to think that you are
11 smart and you can deceive other people. Hm.

12 MR. EAGAN: Stop right there.

13 And if we can -- go ahead to 154E-T.

14 Q. So that was a call at the end of August. Did you place
15 another call?

16 A. Yes, in early September 2012.

17 Q. And --

18 MR. FISCHETTI: May I have a moment to find it,
19 please?

20 MR. EAGAN: Okay.

21 MR. FISCHETTI: Thank you.

22 Okay, got it.

23 BY MR. EAGAN:

24 Q. So when did this next phone call happen?

25 A. September.

1344

E240liu2 M.Yu - direct

1 Q. September?

2 A. Yes.

3 Q. And who was on the call?

4 A. Ms. Liu and me.

5 Q. And if I can have you turn to the bottom of page 2 where
6 you say: Attorney Liu.

7 At the very bottom.

8 "YU: Attorney Liu, I wanted to tell you this. I will
9 also talk it over with Shu Feng. I want to go back to work, I
10 have been thinking for a long time. Besides, I got along with
11 my co-workers. However, when we talked about it, I was a
12 little bit worried. The reason is that I quit a job because
13 the work was quite stressful and it was quite intense. There
14 were many issues of the several cases around the time I left.

15 "FENG LING LIU: (Clears throat)

16 "YU: And then I was a bit worried every time when I
17 would stand in court, I feel very stressful. I kept thinking
18 that the client would all of a sudden say, well, she fabricated
19 this story, she taught me how to say that.

20 And there was a lot of, during the period, later on,
21 he got documentation and he said when I look for another job,
22 so I quit.

23 I'm thinking is it possible that when I go back to
24 work, whatever type of work it will be, even one that is lower
25 paid, but I don't particularly want to go to court. I'm

1346

E240liu2 M.Yu - direct
1 think -- I think that I can get that done well.

2 "FENG LING LIU: Mm, mm, okay. (Clears throat) That,
3 unintelligible, keeps going.

4 "YU: Primarily, I'm under quite a bit of
5 psychological pressure and particularly nervous when go to
6 court, and always afraid that client will blame everything on
7 me. And then, later, the last several months I will feel very
8 stressed. I read that somewhere one will say that we made up
9 the story. I could not be sure of that, so I feel that I am
10 better off staying in the office.

11 "FENG LING LIU: Mm, mm, mm, okay.

12 "YU: And in terms of the --"

13 MR. EAGAN: Stop there.

14 THE WITNESS: Okay.

15 Q. Ms. Yu, I want to return to, was that the last phone call
16 you had with her?

17 A. Yes.

18 Q. I want to return, briefly, to something you had referred to
19 yesterday.

20 Yesterday, you mentioned the firm getting a new name,
21 and the firm splitting apart, as to safety measures they had
22 taken.

23 When the firm changed names, what if anything changed about
24 how the firm was operated?

25 A. Nothing changed.

1347

E240liu2

M.Yu - direct

1 Q. After the firm changed names, who was your boss?

2 A. Ms. Liu.

3 Q. Do you remember when the second office opened?

4 A. You mean Vanessa's office?

5 Q. Correct.

6 A. In about 2010; summer 2010.

7 Q. Did you discuss, with anyone at the Feng Ling Liu firm, why
8 that happened?

9 A. Yes, I talked with Feng Li and Vanessa and Rachel.

10 Q. What did Vanessa say about the switch of the firm or
11 opening a new firm?

12 A. She said Ms. Liu wanted her to open new firm under her
13 name. She said she was not sure whether she would do that,
14 because there would be a lot of responsibility and the
15 pressure. And, at first, she said she would think about it.

16 Q. Did she express any other concerns about doing it?

17 A. That's what she told me. I talked to Mrs. Feng Li and
18 Victor. Feng Li and Victor told me Ms. Liu wouldn't do that
19 because our office has so many cases, we have attracted a lot
20 of attention from the government. Ms. Liu was worried about
21 that. She even sent somebody to court to count how many cases
22 we had every day, compare other, the cases from other firms.
23 So she want to start a new office and separate the case to that
24 new one.

25 MR. EAGAN: If I can have one moment, your Honor.

1367

E240liu2 Yu - cross

1 Q. The government basically asked you to be deceitful to her,
2 correct?

3 A. It's not -- it's not a deceit.

4 Q. That's not deceit? So you were honest about it?

5 A. The government asked me to do it.

6 Q. I'm not asking you about what the government told you?

7 A. Okay.

8 Q. You were not being honest with Vanessa about the
9 circumstances of your sitting down and having lunch with her,
10 were you?

11 A. Yes.

12 Q. That was not just what you were doing, you were not just
13 having lunch with her, right?

14 A. No.

15 Q. You were trying to get her to say something incriminating
16 on a secret recording device on yourself, correct?

17 A. Yes.

18 Q. So would you agree with me that that type of behavior is a
19 form of deceit?

20 A. I cannot agree with you.

21 Q. You can't agree with me?

22 A. I'm sorry.

23 Q. We'll agree to disagree. We'll move on.

24 You were contacted -- I'll use this word "contacted" -- by
25 the FBI in February of 2012?

1489

E4301iul

M. Yu - cross - Maher

1 Right?

2 A. Yes.

3 Q. And if -- we'll play it again and I want to see if you hear
4 these words. Instead of I just heard a funny story, you also
5 say: You know -- that's not a big deal, though.

6 So you say: You know, Karen fired Shu.

7 Vanessa says: Sorry.

8 You say: Karen fired Shu, you don't know that.

9 Then some unidentified female yells: Happy Mother's

10 Day.

11 And then Vanessa says: Who is Karen?

12 And then you say: Feng Ling Liu, Ms. Liu.

13 And Vanessa says: Oh.

14 And you say: Sorry.

15 And then Vanessa says: She fired Shu?

16 And then you say: You don't know that?

17 MR. MAHER: So if we can go back to 1850, please.

18 Thank you. We might need to switch back, please. Thank you.

19 THE DEPUTY CLERK: Right now?

20 MR. MAHER: Thank you.

21 THE DEPUTY CLERK: And this is for everybody?

22 MR. MAHER: Yes, thank you.

23 (Audio recording played)

24 MR. MAHER: Stop here, please.

25 Q. Did you hear more words this time?

1529

E4301iul

M. Yu - cross - Maher

1 Q. So James Lin actually invited you to his house for
2 Thanksgiving?

3 A. Yes.

4 Q. And did you attend?

5 A. Yes.

6 Q. And did you go with your husband?

7 A. On that -- no, on that day, my husband was still in China.
8 He was not here.

9 Q. Did James Lin ever tell you that he thought that the FBI
10 was investigating your law firm?

11 A. He urged me to leave the office, he doesn't think this is a
12 good job for me. He didn't say the FBI or the government is
13 actually investigating, but he said there is a possibility.

14 Q. He told you to leave the law office?

15 A. Yes.

16 Q. When did he do that?

17 A. Before I left the firm.

18 Q. Before you left the law firm?

19 A. Yes.

20 Q. So, that would be before what date?

21 A. Before August of 2011.

22 (Continued on next page)

23

24 BY MR. MAHER:

25 Q. Before August of 2011?

1593

E43Wliu2

M. F. Yu - cross

1 THE COURT: Mr. Fischetti.

2 CROSS-EXAMINATION

3 BY MR. FISCHETTI:

4 Q. Now, as you sit here today, testifying before this jury,
5 you are a convicted felon, are you not?

6 A. Yes.

7 Q. And according to you, everything you're telling this jury
8 is the truth, is that correct?

9 A. Yes.

10 Q. And you've told us, have you not, that the only person or
11 persons that can tell if you're telling the truth is the
12 government attorneys, is that right?

13 A. Yes.

14 Q. And if they believe you're telling the truth in this case,
15 then you'll get them to say to the judge give her substantial
16 assistance because she cooperated and take that into
17 consideration when you get sentenced, is that right?

18 A. Yes.

19 Q. And you told us you're facing 15 years, is that right?

20 A. Yes.

21 Q. And you told us that you hope you get zero. Weren't those
22 your words?

23 A. Yes.

24 Q. And that's why you testified here, is that correct?

25 A. Yes.

1594

E43Wliu2

M. F. Yu - cross

1 Q. Now, when you met with the prosecutors, you learned that
2 they wanted to get evidence against other people, did you not?

3 A. Yes.

4 Q. And one of those persons was my client, right?

5 A. Yes.

6 Q. So you were aware, were you not, that if you could get
7 evidence against her to tell to this jury, that would be
8 helpful to you with regard to your sentence? Is that true?

9 A. Yes.

10 Q. So you told them a number of things about my client that
11 you said were crimes, right?

12 A. Yes.

13 Q. Crimes that you were, in fact, involved with?

14 A. Yes.

15 Q. And after they he interviewed you on a number of times,
16 they asked you to go out and try to get evidence to support
17 your testimony to them about your crimes, isn't that right?

18 A. Yes.

19 Q. And you tried to do that, isn't that correct?

20 A. Yes.

21 Q. And one of the ways you tried to do it is to get her on a
22 recording admitting that she committed these crimes, is that
23 true?

24 A. Yes.

25 Q. And that would have been very good for you, right?

1595

E43Wliu2

M. F. Yu - cross

1 A. Yes.

2 Q. And that's what the government wanted you to do, is that
3 correct?

4 A. Yes.

5 Q. And you recorded her, I think, two or three times, with
6 basically the same conversation about going back to work,
7 right?

8 A. Yes.

9 Q. And, of course, that was a ruse; you really weren't going
10 to work there, right?

11 A. I'm sorry?

12 Q. That was a ploy, that wasn't the truth, you really didn't
13 want to go back to work there?

14 A. I don't want to go back to work there.

15 Q. You were just using that as an excuse to talk to her?

16 A. Yes.

17 Q. Saying that, you know, you came back from Chicago and you
18 really didn't want to go back to work for her and do certain
19 things, is that correct?

20 A. Yes.

21 Q. And that was your conversation with her, the recording that
22 we heard here, right?

23 A. Yes.

24 Q. And the purpose of that recording was to have her
25 incriminate herself and say that there were false stories,

1596

E43Wliu2

M. F. Yu - cross

1 isn't that right?

2 A. Yes.

3 Q. And to have her say that she had you make up these false
4 stories, is that correct?

5 A. Yes.

6 Q. And to have her say that you made up affidavits and had
7 people sign them that really weren't valid because they just
8 signed, isn't that right?

9 A. Yes.

10 Q. That was your purpose, okay?

11 A. Yes.

12 Q. And you recorded her on those conversations, I think, about
13 August 30, is that about right? Does that seem right to you?

14 A. The first was August 30 and the second one --

15 Q. September 5?

16 A. September 5, yes.

17 Q. Those were the recordings, and in those recordings, you
18 were very friendly with her?

19 A. Yes.

20 Q. In fact, there were parts of the recording where she even
21 said to you, Let's go to lunch and chat, do you remember that?

22 A. Yes.

23 Q. And you could have had lunch with her, could you not?

24 A. I could. She refused my invitation.

25 Q. The government refused to have you have lunch with her, is

1597

E43Wliu2

M. F. Yu - cross

1 that what you said?

2 A. No, no, no. I mean Ms. Liu refused my invitation for the
3 lunch.

4 Q. Oh, okay. Now, if you had lunch with her or talked to her,
5 you had learned to use a recording device, isn't that right?

6 A. I don't know, because, you know, her husband call me before
7 and her husband ask my husband and me to go outside, have lunch
8 with him. So I thought maybe I should, but later on he didn't
9 call me back. So when I call Ms. Liu, I think maybe I should
10 bring up and invite them again.

11 Q. Okay.

12 A. Yeah.

13 Q. My question was you learned how to use a recording device
14 that you could put on your person. Isn't that correct?

15 A. Yes.

16 Q. Because when you spoke to my client, that was just a
17 telephone conversation, isn't that right?

18 A. Yes.

19 Q. You never met her in person after September 5, is that
20 correct?

21 A. No.

22 Q. And do you know the date when she was arrested in this
23 case?

24 A. December 2012.

25 Q. So that was four months after you made the recordings,

1598

E43Wliu2

M. F. Yu - cross

1 isn't that right?

2 A. Yes.

3 Q. And during those four months, you never went to see her,
4 isn't that right?

5 A. No.

6 Q. You never went to see her wearing a recording device, did
7 you?

8 A. No.

9 Q. You never called her on the telephone again, did you?

10 A. No.

11 Q. The FBI never said to you, Hey, we've got this recording,
12 but this isn't enough, you have to go see her again to get her
13 to admit the false stories, did they ever tell you that?

14 A. No.

15 Q. Did they ever tell you you should talk to her again on the
16 phone and have her try to admit that she made you write false
17 stories? Did they ever say that to you?

18 A. After that, no.

19 Q. No?

20 A. No.

21 Q. And in that conversation with her, did she ever say to you,
22 You know, you don't have to come back and write false stories?
23 Did she ever say that to you?

24 A. No.

25 Q. Did she ever say to you, You can come back, but you don't

1599

E43Wliu2

M. F. Yu - cross

1 have to do anything like you did before, writing false stories,
2 affidavits, or anything like that?

3 A. No.

4 Q. Did she say that to you?

5 A. No.

6 Q. Not at all.

7 MR. FISCHETTI: Judge, I'm going to go into another
8 area, if that's okay. You said quarter to, but I'll keep
9 going.

10 THE COURT: Why don't we take our lunch break and
11 resume at 2:00. Please keep an open mind and remember not to
12 discuss the case.

13 (Jury excused)

14 THE COURT: Is there anything we need to discuss?
15 Have you resolved the issue with the transcript for purposes of
16 cross-examination?

17 MR. GERMAN: The recordings.

18 THE COURT: The recordings. Okay. See you at two.

19 (Luncheon recess)

20

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22

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1600

E430LIU3

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AFTERNOON SESSION

2:00 p.m.

THE COURT: Is everyone ready for the jury?

MR. MAHER: Could we have two minutes, Judge.

THE COURT: Sure.

1601

E430LIU3

1 (In open court)

2 (Jury present)

3 (Witness resumes the stand)

4 THE COURT: You can be seated, Ms. Yu.

5 MR. EGAN: May I resume, your Honor?

6 THE COURT: Yes, of course.

7 MR. EGAN: Good afternoon, everybody.

8 CROSS-EXAMINATION (Continued

9 BY MR. FISCHETTI:

10 Q. When we left, I asked you a question about was there some
11 arrangements for lunch -- and I'm going to call my client
12 Karen, is that okay?

13 A. Okay.

14 Q. Okay?

15 A. Okay.

16 Q. And Karen asked you to go to lunch, and you said I asked
17 her to go to lunch. Do you recall that?

18 A. Yes.

19 Q. And you were correct. Can you pull out for us, 154B in the
20 transcripts. Do you have it, Ms. Yu?

21 A. Yes.

22 Q. Could you turn to page 4, half way down the page. Are you
23 with me?

24 A. Yes.

25 Q. I want to read this part of it to you, which says: Well,

1602

E430LIU3

M. Yu - cross - Fischetti

1 let's do this.

2 Okay?

3 A. Okay.

4 Q. Basically what you are doing in that conversation is trying
5 to get some kind of meeting with Karen; is that right?

6 A. Yes.

7 Q. And you say: Well, let's do this when I come back from
8 Chicago, let's get together for a meal in early July when I
9 asked David I was going the ask everyone to get together and
10 have a meal. Later, when I called David, he said that you were
11 really busy and that you were probably sick, too.

12 Did you think she was ill?

13 A. Who?

14 Q. Did you think my client, Karen, was ill?

15 A. Yes. David told me.

16 Q. Oh, okay.

17 And things never worked out. How about we get
18 together for lunch or breakfast when I come back from Chicago.
19 Let's chat and decide when I should go back, would that work.
20 And then she asked you, going to Chicago, and you say this
21 weekend.

22 And can you turn the page and Karen says: I have been
23 quite busy lately. Let me see, why don't you discuss it with
24 your husband. And if you have ideas, give me a call and we
25 could talk about it. There is no need to wait to get together

1603

E430LIU3

M. Yu - cross - Fischetti

1 until you come back.

2 Now, you were going to Chicago, right?

3 A. Yes.

4 Q. And she's saying to you, we don't even have to wait, right,
5 until you get back from Chicago, we could talk.

6 Isn't that what she's saying?

7 A. Yes.

8 Q. Okay. Anyway just let me know what you think, I will, that
9 is if I am able to do it, I will try my best to do it, get it
10 done. Let's make it clear and talk about everything before you
11 come back, so that there won't be anything awkward or
12 unpleasant in the future.

13 Did you read that?

14 A. Yes.

15 Q. And basically Karen was telling you that she was willing to
16 talk to you any time you wanted to; isn't that right?

17 A. Yes.

18 Q. And she was willing to meet with you any time you wanted to
19 meet?

20 A. No.

21 Q. Right?

22 A. She said, no necessary to -- not necessary to meet, we can
23 talk on the phone.

24 Q. Well, so it's your position, after reading all of these
25 transcripts, that my client was afraid to meet with you; is

1604

E430LIU3

M. Yu - cross - Fischetti

1 that your position?

2 A. I don't mean she is afraid to meet with me, but at that
3 moment I think she meant it is not necessary to meet and
4 discuss things, we can talk on the phone.

5 Q. I see. Just talk about it on the phone about you coming
6 back to work?

7 A. Yes.

8 Q. She was not avoiding you, was she?

9 A. I don't think.

10 Q. She was willing to talk to you any time you wanted to talk
11 to her, isn't that right?

12 A. Yes.

13 Q. And basically she told you, also, that -- if you look
14 toward the bottom of page 5 -- that I have not been in the
15 office lately.

16 Do you recall --

17 A. Yes.

18 Q. -- her saying that? Now, this is the conversation that you
19 testified about when you were on direct examination. Do you
20 recall that?

21 A. Yes.

22 Q. And could you turn to page 1 and look at the conversation.
23 Back there in the middle, my client says to you: How have you
24 been recently.

25 Do you remember that, do you see that?

1605

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes, I see it.

2 Q. And you say: I have been staying at home anyway. The job
3 hunt has not been going smoothly.

4 And then -- and then she says: And when you came
5 back, I was not here, been hanging around all summer long, so I
6 did not go to the office. Anne told me about what you wanted
7 and I said that there were enough people right now, so I needed
8 to make arrangements. Do you recall that?

9 A. Yes.

10 Q. And then on the next page talking about arrangements, if
11 you are looking about the third line down, she says: Right now
12 there is basically -- there is an attorney who is about to
13 leave, therefore, there is a vacancy.

14 Is that correct?

15 A. Yes.

16 Q. And talking about a vacancy. So that she would ask you to
17 come back to the firm to rehire you; is that right?

18 A. Yes.

19 Q. And on the next page, page 3, they talk about the fact, or
20 my client says there are a lot fewer cases before.

21 Do you remember that?

22 A. Yes.

23 Q. And then down below that she says: Sometimes five or six
24 cases.

25 Do you see that?

1606

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. There is nothing in there that indicates that she is saying
3 that there is less cases because there is an investigation
4 pending, is there?

5 A. No.

6 Q. There is nothing in there that says there is less cases
7 because people are believing that she is engaged in fraud, is
8 there?

9 A. No.

10 Q. Now, further on, if you look at page 7, at the top of the
11 page, you're speaking. And you say: Then I have another small
12 concern. One of the reasons I did not particularly want to
13 stay on the job was that I was worried about this, this whole
14 signature thing. Can I not just sign the 589s when I go back.

15 And what did you mean by that, when you said that to
16 her, what were you trying to get her to say?

17 A. I'm sorry?

18 Q. What was your purpose in saying that?

19 A. Oh, I -- I just told her I don't want to sign on
20 application. Because when we was doing attorney job at office,
21 I sign a lot of application without review those stuff. And
22 I -- I know lot of the fraud application and when my name was
23 on the application, I should take the responsibility.

24 Q. So that was your purpose in saying that, right?

25 A. Yes.

1607

E430LIU3

M. Yu - cross - Fischetti

1 Q. But you didn't say that did you? I mean you didn't say I
2 don't want to sign the 589s because there is a lot of fraud
3 going on, did you?

4 A. I didn't say that word.

5 Q. You didn't say anything like that, did you?

6 A. No.

7 Q. You didn't say I don't want to sign them because they were
8 false, right?

9 A. No.

10 Q. You didn't say I didn't want to sign them because I knew
11 that was a crime, right?

12 A. Yes.

13 Q. You just said you didn't want to sign them, is that right?

14 A. Yes.

15 Q. And do you recall Karen saying to you that the 589s were
16 signed by Troy? Further down.

17 A. Yes.

18 Q. And do you see where she says, further down when you say,
19 yes, yes, yes, and she says that: I remember before you left,
20 I made the change, and had Troy sign. Do you recall her saying
21 that?

22 A. Yes.

23 Q. And you said: Oh, I forgot.

24 Right?

25 A. Yes.

1608

E430LIU3

M. Yu - cross - Fischetti

1 Q. And then below that, she says: Troy signs all of the 589s
2 now.

3 Do you see that?

4 A. Yes.

5 Q. And in the middle, on the next page, you say: All right
6 that's all right then.

7 And she says: Okay. I won't have you sign the 589s.
8 Troy always has been signing.

9 Do you see that conversation, do you see that?

10 A. Yes, I see that.

11 Q. Is there anything in those conversations, anything that
12 contains the fact that there was a crime going on?

13 A. No.

14 Q. Is there anything in that, in those facts, that indicates
15 that my client was committing a fraud with the 589s?

16 A. No.

17 Q. Is there anything in those conversations indicating that my
18 client knew about false applications being signed?

19 A. No.

20 Q. Let's turn to page 9.

21 Now, what we're doing, is we're going through
22 exhibit 1548T, which is a conversation between you and Karen,
23 is that right?

24 A. Yes.

25 Q. It is 31 pages. If you look at the last part --

1609

E430LIU3

M. Yu - cross - Fischetti

1 A. I'm sorry, which page?

2 Q. Thirty-one pages?

3 A. Okay.

4 Q. And on direct examination, the attorney for the government
5 read some portions of this conversation to you and the jury,
6 isn't that right?

7 A. Yes.

8 Q. He didn't read these, though, did he?

9 A. Didn't read what, I'm sorry?

10 Q. He didn't read what we are just reading now, did he?

11 A. No.

12 Q. All right. Let's look at page 9.

13 Karen says: Now, if you come back, you will still need
14 to write more briefs, you will be writing more. At this point,
15 we'll lose fewer cases. Approximately two to three briefs a
16 month. In a week, in a week, would average, at the most brief
17 would about --

18 And then somewhat inaudible.

19 And you say: It is probably the same as before, no
20 big change, is there.

21 And she says: No, no, no, there is a lot less
22 business than it used to be.

23 Now, when you -- you have read that. That's what it
24 says, isn't that right?

25 A. Yes.

1610

E430LIU3

M. Yu - cross - Fischetti

1 Q. And when you said, No big change, is there, you were trying
2 to get her to say, No, there isn't, we're doing the
3 applications just the way we did before.

4 Isn't that what you wanted her to say?

5 A. Yes.

6 Q. Isn't what you wanted her to say some indication that she
7 knew that a fraud was going on, is that right?

8 A. Yes.

9 Q. I mean that was your purpose, wasn't it?

10 A. Yes.

11 Q. And she doesn't, does she?

12 A. No.

13 Q. Now going further down, it says you, saying to her -- well,
14 let me read the next couple, too, because I think it is
15 important.

16 She says: It's less business.

17 And you say: Oh.

18 And then she goes saying: Our master, we have very
19 few individual cases. Back then, usually 13 to 14 were normal.
20 But now there are many weeks where there are no more than 10.
21 There are a lot fewer cases than before.

22 And then, you say: What I was saying was that new
23 cases carry about the same contents as those in the past. I
24 have not done it for a long time.

25 And what you were trying to get her to say is, yeah,

1611

E430LIU3

M. Yu - cross - Fischetti

1 the contents are the same, we still file false applications.

2 That was what you were attempting to get her to do, isn't that
3 right?

4 A. Yes.

5 Q. And that was your job, that was your purpose in being
6 there, right?

7 A. Yes.

8 Q. And she answers: Oh, about what you said, there are
9 significant changes to the law. Same set of things.

10 Right, isn't that what she says?

11 A. Sorry, sir, I think there is a translation mistake here in
12 the Chinese.

13 Q. Did I read it wrong? I'm sorry, I didn't understand what
14 you said, Ms. Yu.

15 A. There is a translation mistake, I believe, in Chinese. It
16 says there is no significant change. But in the English, it is
17 there are significant change to the law.

(a lot of the translation error in the government exhibit)

18 Q. So you're saying that this transcript that you have, and I
19 have --

20 A. Yes.

21 Q. -- is not accurate?

22 A. Yes. I just find out.

23 Q. Well, how do you know that. Did you -- this was in
24 Mandarin?

25 A. I can read Mandarin Chinese.

1612

E430LIU3

M. Yu - cross - Fischetti

1 Q. Excuse me?

2 A. I can read Mandarin Chinese.

3 Q. Well, how do you know that -- let me get this straight now,
4 let's back up a little bit.

5 What it says in the transcript, is: Oh, about what
6 you said, there are significant changes to the law, same set of
7 things.

8 That is what is written, right?

9 A. Yes.

10 Q. And you say it says: About what you said, there are no
11 significant changes to the law.

12 Right?

13 A. Yes.

14 Q. And you just realized that now?

15 A. Yes.

16 MR. EGAN: Your Honor, may I have a sidebar for a
17 minute.

18 THE COURT: Sure.

19 (Continued on next page)

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1613

E430LIU3

M. Yu - cross - Fischetti

1 (At the side bar)

2 MR. FISCHETTI: I'm reading from a transcript that has
3 been -- that has been given to us, by the government, which we
4 have stipulated is an accurate transcript. There is a -- to
5 use the word --

6 THE COURT: Not a stipulation.

7 MR. FISCHETTI: I withdraw it.

8 The stipulation has been given to us by the government
9 as an accurate transcript of the conversation. There is a
10 significant, if I could use that word, difference between the
11 two words, okay. And the only thing I can do with it -- and I
12 would like to do it and I want to do it outside the jury's
13 presence -- is to ask for an agreement by the government that
14 this transcript was given to us as an accurate transcript of
15 the conversation, and the transcript said A.

16 And I don't see how they can object to that, but I
17 would like to ask them first.

18 MR. EAGAN: It is in evidence. What are you --

19 MS. MERMELSTEIN: They offered it as a government
20 exhibit.

21 MR. FISCHETTI: But she's saying it is wrong.

22 THE COURT: I know.

23 MR. FISCHETTI: And they gave it to me, so how do I
24 correct that. I'm not asking for advice. The only way I can
25 correct them is have them say this is what they gave me and

1614

E430LIU3

M. Yu - cross - Fischetti

1 this is what I'm using, and they offered it in evidence as this
2 conversation, and now you're saying it is wrong.

3 THE COURT: I think that's clear in the record,
4 number 1. I think Mr. Maher has done a lot of
5 cross-examination about errors in the translation. I think the
6 jury hears that. I think your cross-examination and her
7 agreement that that was an error is also heard by the jury.

8 If you want to call your own translator, you're
9 welcome to do so.

10 MR. FISCHETTI: I don't want to do that, I just want
11 the jury --

12 THE COURT: I can't make them stipulate.

13 MR. FISCHETTI: I'm not asking them to stipulate. I'm
14 saying that I am going to say, I am letting them know, first,
15 that this transcript was given to me by the government as an
16 accurate transcript.

17 THE COURT: I don't think you should say that, but you
18 can ask her did the government give this to you and ask you to
19 look it over, and it will be clear that it was in the
20 government's possession.

21 They have already put on their witness.

22 MR. FISCHETTI: Good enough, okay.

23 (Continued on next page)

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1615

E430LIU3

M. Yu - cross - Fischetti

1 (In open court)

2 BY MR. FISCHETTI:

3 Q. Ms. Yu, this is not the first time you have seen this
4 transcript; is that correct?

5 A. Yes.

6 Q. As a matter of fact, you saw these transcripts when they
7 were given to you before you testified here, isn't that right?

8 A. Yes.

9 Q. And you reviewed those transcripts at that time, isn't that
10 correct?

11 A. Yes.

12 Q. And these transcripts were given to you by the government,
13 right?

14 A. Yes.

15 Q. And they told you, before you testified, here, to review
16 the transcripts to see if they were accurate, isn't that right?

17 A. Yes.

18 Q. And you read those transcripts and told them, before they
19 were admitted as evidence to the jury, that they were accurate;
20 is that correct?

21 A. Yes.

22 Q. And when did you discover, now, that that word is
23 different? When did you learn that?

24 A. I'm sorry?

25 Q. When did you realize that that word, that you said is wrong

1616

E430LIU3

M. Yu - cross - Fischetti

1 in the transcript, is wrong?

2 A. When you read the English part. But I was reading the
3 Chinese version.

4 Q. So you never read the English version, is that what you are
5 saying?

6 A. No, I -- I read the English version, but maybe I didn't
7 read them very carefully.

8 Q. And when you read this was wrong, did you run to the
9 government and say, look, the transcript that we gave the jury
10 as evidence is incorrect. Did you tell them that?

11 A. No.

12 Q. But you are saying it now, right?

13 A. Yes.

14 Q. You are saying, now, that the transcripts that the jury
15 has, right now, that were given to them by the government, are
16 wrong. Is that your testimony?

17 A. Yes.

18 Q. Okay. Going on with that conversation, on the next page my
19 client says to you, There is no change in this regard, that
20 about the preparation for master calendar cases, I'm thinking
21 that after you come back, you will go to court, prepare
22 clients, followup on cases that need additional materials, the
23 cases that Judge asked for additional materials. And then you
24 will write briefs on any case, probably one week, on average
25 this is what we have, at most. Take that into your

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E430LIU3

M. Yu - cross - Fischetti

1 consideration, I guess, because Rob also has to write briefs.
2 So it should be that this is part of the work. But there is
3 not a lot of quantity.

4 Do you see that, there is not a lot of quantity?

5 A. Yes.

6 Q. I think in as far as preparation for going to the master
7 calendar, I will probably give you two or three cases, but I
8 might also give you three or four master cases to prepare. I
9 think that some of my clients are dumb, and you need to start
10 from scratch. Sometimes a lot of energy gets wasted and that's
11 annoying.

12 Do you read that?

13 A. Yes.

14 Q. She is basically telling you what you're going to have to
15 do when you come back to work, right?

16 A. Yes.

17 Q. And there is nothing in there, at all, indicating that she
18 wants you to write false stories, is there?

19 A. No.

20 Q. There is nothing in there indicating that you have to
21 change stories that are given to you by the applicants, is that
22 correct?

23 A. Yes.

24 Q. There is nothing in there that tells you that she is going
25 to prepare drafts of what you do, so that you can change

1618

E430LIU3

M. Yu - cross - Fischetti

1 stories to fit the asylum process, is there?

2 A. Yes.

3 Q. This is just basically telling you what kind of job you are
4 going to have, right?

5 A. Yes.

6 Q. And, again, the reason why you are there is to try and find
7 my client, getting information from her, that she is involved
8 in a fraud that you committed; isn't that right?

9 A. Yes.

10 Q. I mean there is no question that you were involved in
11 fraud, is there?

12 A. I'm sorry?

13 Q. You. That you were involved in preparing false
14 applications --

15 A. Yes.

16 Q. -- for asylum interviews.

17 That's what you pled to, right?

18 A. Yes.

19 Q. So there is no doubt that you did that. But there is
20 nothing in these conversations that indicates that my client
21 told you to do it, is there?

22 A. In Li's conversation, no.

23 Q. Just a couple of more things. When we get to page 15, you
24 say: Why is there fewer cases lately. We, before I left,
25 these cases were pretty good. Each month there were 20 or 30.

1619

E430LIU3

M. Yu - cross - Fischetti

1 And sometimes there were 30 and 40 new cases.

2 And basically what you are trying to get her to say
3 is, look, we have got fewer cases because we have knowledge of
4 an investigation that's going on, so we had to cut down; right?

5 A. No. That's not my purpose. I just ask her why there were
6 fewer cases recently.

7 Q. In other words, this was just a ordinary question. This
8 was not a question to try and get her to incriminate herself?

9 A. No.

10 Q. No? Okay. And she answers the question, she says: I
11 don't know, I think, you know, when did you leave, in November?

12 And then you go on after that. And you told us that
13 is 31 pages. But that was just one of the telephone calls that
14 you had, is that correct?

15 A. Yes.

16 MR. FISCHETTI: May I have a second?

17 Q. All right, I would like you to look at government
18 exhibit 154T. And this is the one September 5th.

19 THE COURT: Does it have a letter after it, 154 --

20 MR. FISCHETTI: Yeah, E. I'm sorry, everybody.

21 Q. So this was on September 5th, right?

22 A. Yes.

23 Q. And this is, again, a telephone conversation.

24 A. Yes.

25 Q. And I want to turn you to page 2, bottom of the page. And

1620

E430LIU3

M. Yu - cross - Fischetti

1 you say: Attorney Liu, I wanted to tell you this. I will talk
2 it over with --

3 And I can't pronounce that. Is that your husband?

4 A. Yes.

5 Q. May I say your husband?

6 A. Xiao Fei.

7 Q. Xiao Fei?

8 A. Yes.

9 Q. Okay. I wanted to go back. I want to talk to my husband
10 Xiao Fei. I want to go back to work. I have been staying for
11 a long time. Besides, getting along with my co-workers, when
12 we talked about it, I was a little worried.

13 You then say, the reason I quit was because the work
14 was stressful, was quite intense. There was some issues with
15 several cases about the time I left.

16 Is that right?

17 A. Yes.

18 Q. My client, Karen, doesn't say anything. Right?

19 A. Yes.

20 Q. The purpose of this is basically to have Karen say that she
21 knows about the stress you had, because she knows about your
22 work with the false applications, is that right?

23 A. Yes.

24 Q. Well, she doesn't say that, does she?

25 A. No.

1621

E430LIU3

M. Yu - cross - Fischetti

1 Q. You then say: I was a bit worried every time I would stand
2 in court. I was very stressful. I kept thinking that the
3 client would, all of a sudden, say, well, she fabricated this
4 story, she taught me how to say it.

5 Now, that's what you said to induce Karen to say to
6 you, well, don't worry about fabricating the story, we'll get
7 away with it or something like that indicating that she knew
8 that; isn't that right?

9 A. Yes.

10 Q. And then you say: And there was a lot of, during the
11 period, later, on documentation. And he said why not look for
12 another job, so I quit.

13 And that's, basically, your husband?

14 A. Yes.

15 Q. Right?

16 A. Yes.

17 Q. So isn't it fair to say, Ms. Yu, that when you said you
18 were afraid that this witness would say she fabricated the
19 story, she taught me how to say it, you're talking about an
20 asylum applicant who is before the Court that might say to the
21 judge, if he or she got caught with a false story, that he or
22 she made me do it?

23 A. Yes.

24 Q. And isn't that understood to mean that the client would get
25 caught, and lie that the client told you to do it, and that's

1622

E430LIU3

M. Yu - cross - Fischetti

1 what you were afraid of?

2 A. No.

3 Q. No?

4 A. No.

5 Q. That's not the proper interpretation you say, is that
6 correct?

7 A. No, because I --

8 Q. Okay, that's enough. If you say that's not, that's not.

9 And these are the very -- these are the very parts of
10 the conversations that were read to you by the government, is
11 that right?

12 A. I'm sorry?

13 Q. This was read to you by the government, those pieces that I
14 just read to you, right?

15 A. Yes.

16 Q. Now, I want to go to the last one, which is September 5th,
17 again. And that's 154FT. And I want to just ask you a couple
18 of questions about that. The government read some of this to
19 you. You see, the government started reading: Did you say
20 that you wouldn't want to go to court.

21 Yeah, I feel that actually going to court is actually
22 a pretty proceduralized process. If the client has been
23 properly prepped, makes no difference who to take them to
24 court. I feel we can train those in the office, as Andy and
25 Lillian, if we could train them to go to Court, I think we can

1623

E430LIU3

M. Yu - cross - Fischetti

1 get that done as well.

2 At this point, you were a lawyer, is that correct?

3 A. Yes.

4 Q. And you say here, If the client has been properly prepped.

5 Do you see that?

6 A. Yes.

7 Q. If you are going to court, isn't it a lawyer's duty to
8 prepare a client to go to court?

9 A. Yes.

10 Q. And don't we say, as lawyers, to prep a client. Is that
11 right?

12 A. I'm sorry?

13 Q. Don't we use these words "to prep a client," before he goes
14 to court?

15 A. Yes.

16 Q. In fact, you were prepped just before you testified here,
17 is that correct?

18 A. Yes.

19 Q. Nothing wrong with that, is there?

20 A. No.

21 Q. And, again, you talked about being on psychological
22 pressure, about the client would blame everything on me. Do
23 you see that?

24 A. Yes.

25 Q. You're not saying that the client would tell the Court that

1624

E430LIU3

M. Yu - cross - Fischetti

1 you did everything, and that he was involved with you. You
2 just say he would blame everything on you, right?

3 A. Yes.

4 Q. Even if he did it himself, he would blame it on you, right?

5 A. I not mean that, I'm sorry.

6 Q. Okay, I'll move on.

7 Now you made these conversations on August 30th and
8 September 5th of 2012.

9 A. Yes.

10 Q. When did you start cooperating with the government?

11 A. March 2012.

12 Q. March 2nd, I think was your first interview; is that right?

13 A. Yes, yes.

14 Q. And you told us, as I recall your direct testimony, that
15 they told you that they wanted you to do certain things to help
16 them investigate a case so that you could gain a cooperation
17 agreement; is that right?

18 A. Yes.

19 Q. And one of those things you did was make secret recordings,
20 is that right?

21 A. Yes.

22 Q. And do you recall when the first recording was made?

23 A. Probably April or May 2012. I cannot remember the date.

24 Q. Would you accept my representation that it was May 11th,
25 2012, having a lunch with Bandrich. Does that sound about

1625

E430LIU3

M. Yu - cross - Fischetti

1 right?

2 A. Maybe.

3 Q. And then June 14th, 2012, with Bandrich, do you recall
4 that?

5 A. Yes.

6 Q. And then on June 30th, you had phone calls with Moslemi and
7 spoke with David, do you recall that?

8 A. Yes.

9 Q. And on June 30, a phone call to Moslemi and spoke with
10 Lillian and Wen ting, do you recall that?

11 A. Yes.

12 Q. And none of those calls were with Karen, right?

13 A. No.

14 Q. And then we go to July 11. And you had dinner with Feng
15 Li, right?

16 A. Yes.

17 Q. She's another attorney that was there at the firm, right?

18 A. Yes.

19 Q. And then you had dinner with him on July 11th?

20 A. Right.

21 Q. Yes. And on July 15th, you recorded Feng Li again, right.

22 A. Yes.

23 Q. And then on July 16th, you had lunch with Feng Li and
24 Bandrich, and you recorded them; isn't that right?

25 A. Yes.

1626

E430LIU3

M. Yu - cross - Fischetti

1 Q. And then you had a phone call with Moslemi and you spoke to
2 David and Wen Ting and you didn't speak to Karen, right?

3 A. Yes.

4 Q. August 7th, you actually went to the Moslemi firm?

5 A. Yes.

6 Q. And you spoke to Wen Ting Zheng and Lillian, is that right?

7 A. Yes.

8 Q. But not with Karen?

9 A. No.

10 Q. And August 29th, you had a phone call with Winnie Zheng; is
11 that correct?

12 A. Yes.

13 Q. So all during this time, the government never told you to
14 have any contact with Karen, isn't that right?

15 A. No. They want me contact with Karen, but I don't have
16 reasonable excuse.

17 Q. Oh, so they told you please contact Karen. And you said it
18 is not a good idea because I don't have a good excuse to do it,
19 is that your testimony?

20 A. Yes.

21 Q. And then you speak to her September 5th, and you had these
22 phone calls, is that right?

23 A. Yes.

24 Q. And then after September 5th, you never speak to her again,
25 at all, and she is arrested in December. That's four months.

1627

E430LIU3

M. Yu - cross - Fischetti

1 Is that right?

2 A. Yes.

3 Q. But during this telephone call, these telephone calls,
4 Karen asks you to call her again to speak to her about the job,
5 is that right?

6 A. You mean during the last call?

7 Q. Yeah, during the phone calls.

8 A. I remember she said she will call me if -- if she wanted me
9 to go back.

10 Q. The point is, during that time when you were cooperating --

11 A. Uh-huh.

12 Q. -- and you were speaking to Karen --

13 A. Yes.

14 Q. -- you were friendly, right?

15 A. Yes.

16 Q. You were friendly in your conversations with her, right?

17 A. Yes.

18 Q. You invited her to lunch, isn't that right?

19 A. Yes.

20 Q. She told you to call her back about your job, right?

21 A. Yes.

22 Q. There is no question that after September 5th you could
23 have called her again, isn't that right?

24 A. I could, but I don't want, because I --

25 Q. Just tell me if you could have --

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E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. -- we'll get to why you didn't.

3 A. Oh, okay.

4 Q. You could have, right?

5 A. Yes.

6 Q. You could have picked up the phone and said have lunch, I
7 have got something to tell you, isn't that right?

8 A. Yes.

9 Q. You could have met with her and said, look, I don't want to
10 talk on the phone, because there could be a problem, but the
11 reason why I really don't want to come back is I don't want to
12 get involved with with false stories anymore, at a restaurant,
13 alone. You could have done that, right?

14 A. Yes.

15 Q. But you didn't, right?

16 A. No.

17 Q. And the government never told you to do that, isn't that
18 correct?

19 A. Yes.

20 Q. I want to talk to you a little bit about what you told us,
21 and maybe you can explain this to me. You said there was an
22 occasion where you found out about a bad case?

23 A. Yes.

24 Q. And it really concerned you, right?

25 A. Yes.

1620

E430LIU3

M. Yu - cross - Fischetti

1 you say: Attorney Liu, I wanted to tell you this. I will talk

2 it over with --

3 And I can't pronounce that. Is that your husband?

4 A. Yes.

5 Q. May I say your husband?

6 A. Xiao Fei.

7 Q. Xiao Fei?

8 A. Yes.

9 Q. Okay. I wanted to go back. I want to talk to my husband
10 Xiao Fei. I want to go back to work. I have been staying for
11 a long time. Besides, getting along with my co-workers, when
12 we talked about it, I was a little worried.

13 You then say, the reason I quit was because the work
14 was stressful, was quite intense. There was some issues with
15 several cases about the time I left.

16 Is that right?

17 A. Yes.

18 Q. My client, Karen, doesn't say anything. Right?

19 A. Yes.

20 Q. The purpose of this is basically to have Karen say that she
21 knows about the stress you had, because she knows about your
22 work with the false applications, is that right?

23 A. Yes.

24 Q. Well, she doesn't say that, does she?

25 A. No.

1621

E430LIU3

M. Yu - cross - Fischetti

1 Q. You then say: I was a bit worried every time I would stand
2 in court. I was very stressful. I kept thinking that the
3 client would, all of a sudden, say, well, she fabricated this
4 story, she taught me how to say it.

5 Now, that's what you said to induce Karen to say to
6 you, well, don't worry about fabricating the story, we'll get
7 away with it or something like that indicating that she knew
8 that; isn't that right?

9 A. Yes.

10 Q. And then you say: And there was a lot of, during the
11 period, later, on documentation. And he said why not look for
12 another job, so I quit.

13 And that's, basically, your husband?

14 A. Yes.

15 Q. Right?

16 A. Yes.

17 Q. So isn't it fair to say, Ms. Yu, that when you said you
18 were afraid that this witness would say she fabricated the
19 story, she taught me how to say it, you're talking about an
20 asylum applicant who is before the Court that might say to the
21 judge, if he or she got caught with a false story, that he or
22 she made me do it?

23 A. Yes.

24 Q. And isn't that understood to mean that the client would get
25 caught, and lie that the client told you to do it, and that's

1622

E430LIU3

M. Yu - cross - Fischetti

1 what you were afraid of?

2 A. No.

3 Q. No?

4 A. No.

5 Q. That's not the proper interpretation you say, is that
6 correct?

7 A. No, because I --

8 Q. Okay, that's enough. If you say that's not, that's not.

9 And these are the very -- these are the very parts of
10 the conversations that were read to you by the government, is
11 that right?

12 A. I'm sorry?

13 Q. This was read to you by the government, those pieces that I
14 just read to you, right?

15 A. Yes.

16 Q. Now, I want to go to the last one, which is September 5th,
17 again. And that's 154FT. And I want to just ask you a couple
18 of questions about that. The government read some of this to
19 you. You see, the government started reading: Did you say
20 that you wouldn't want to go to court.

21 Yeah, I feel that actually going to court is actually
22 a pretty proceduralized process. If the client has been
23 properly prepped, makes no difference who to take them to
24 court. I feel we can train those in the office, as Andy and
25 Lillian, if we could train them to go to Court, I think we can

1623

E430LIU3

M. Yu - cross - Fischetti

1 get that done as well.

2 At this point, you were a lawyer, is that correct?

3 A. Yes.

4 Q. And you say here, If the client has been properly prepped.

5 Do you see that?

6 A. Yes.

7 Q. If you are going to court, isn't it a lawyer's duty to
8 prepare a client to go to court?

9 A. Yes.

10 Q. And don't we say, as lawyers, to prep a client. Is that
11 right?

12 A. I'm sorry?

13 Q. Don't we use these words "to prep a client," before he goes
14 to court?

15 A. Yes.

16 Q. In fact, you were prepped just before you testified here,
17 is that correct?

18 A. Yes.

19 Q. Nothing wrong with that, is there?

20 A. No.

21 Q. And, again, you talked about being on psychological
22 pressure, about the client would blame everything on me. Do
23 you see that?

24 A. Yes.

25 Q. You're not saying that the client would tell the Court that

1624

E430LIU3

M. Yu - cross - Fischetti

1 you did everything, and that he was involved with you. You

2 just say he would blame everything on you, right?

3 A. Yes.

4 Q. Even if he did it himself, he would blame it on you, right?

5 A. I not mean that, I'm sorry.

6 Q. Okay, I'll move on.

7 Now you made these conversations on August 30th and
8 September 5th of 2012.

9 A. Yes.

10 Q. When did you start cooperating with the government?

11 A. March 2012.

12 Q. March 2nd, I think was your first interview; is that right?

13 A. Yes, yes.

14 Q. And you told us, as I recall your direct testimony, that
15 they told you that they wanted you to do certain things to help
16 them investigate a case so that you could gain a cooperation
17 agreement; is that right?

18 A. Yes.

19 Q. And one of those things you did was make secret recordings,
20 is that right?

21 A. Yes.

22 Q. And do you recall when the first recording was made?

23 A. Probably April or May 2012. I cannot remember the date.

24 Q. Would you accept my representation that it was May 11th,
25 2012, having a lunch with Bandrich. Does that sound about

1629

E430LIU3

M. Yu - cross - Fischetti

1 Q. It concerned you because you had signed it, right?

2 A. Yes.

3 Q. And according to you, you would get in trouble for signing
4 it if anybody found out?

5 A. Yes.

6 Q. So you were nervous?

7 A. Yes.

8 Q. You were concerned?

9 A. Yes.

10 Q. You went to Karen and talked to her about it?

11 A. I'm sorry, what are you saying?

12 Q. You went to Karen and talked to her about it?

13 A. Yes.

14 Q. And she tried to comfort you, you said, right?

15 A. Yes.

16 Q. And you signed the case, you signed it, right?

17 A. Yes.

18 Q. And you told Karen about it --

19 A. Yes.

20 Q. -- isn't that right.

21 Can you tell me the name of the case?

22 A. I don't remember the name. It's a female applicant,
23 because when I sign on the application, I didn't review the
24 content. And the first time I met that female applicant is on
25 the day she return from the asylum office. And I never met her

1630

E430LIU3

M. Yu - cross - Fischetti

1 and talk with her.

2 Q. Okay, but you are telling the jury there exists a bad case,
3 right?

4 A. Yes.

5 Q. There exists a bad case in Feng Ling's office, right? It
6 was from Feng Ling's office, the bad case, this asylum
7 application?

8 A. Yes.

9 Q. Okay.

10 And you were involved in it because you signed it,
11 right?

12 A. I signed on it. I'm sorry?

13 Q. You didn't sign the application, and that's what you were
14 worried about?

15 A. I signed it.

16 Q. That's what I'm saying. And you signed this bad case,
17 right?

18 A. Yes.

19 Q. And it concerns you, right?

20 A. Yes.

21 Q. And according to you, under oath, you're telling us that
22 this exists, this bad case; isn't that right?

23 A. Yes.

24 Q. And the government gave you a list of, a very list, of all
25 of the cases you signed; isn't that right?

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E430LIU3

M. Yu - cross - Fischetti

1 A. No, they didn't give me.

2 Q. Did they give you that list? No, they didn't?

3 A. They didn't give me all of the cases I sign. It gave me
4 part of the cases I signed.

5 Q. Okay, so it gave you part of the cases you signed --

6 A. Yes.

7 Q. -- right? Was that case on the list so I can check what
8 you are saying is true?

9 A. Yes.

10 Q. What is the name?

11 A. If you can check on the government record, you check the
12 asylum interview record in about July --

13 Q. July what?

14 A. 2011.

15 Q. Okay.

16 A. I believe the asylum officer tried to contact her again.

17 Q. But I want to know the name of the case so I can find it.

18 A. I don't have the name.

19 Q. The name or the number of the case.

20 A. I don't remember the name, because I sign a lot of cases.

21 Q. You don't remember the name, but just let me see if I can
22 understand this. I'll accept your answer --

23 A. Okay.

24 Q. -- okay, I'm not trying to trick you in any manner.

25 You signed the application, isn't that right?

1632

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. You are saying it is a bad case, isn't that right?

3 A. Yes.

4 Q. You had to have looked at the name of the applicant, didn't
5 you? Did you look at the name of the applicant when you knew
6 it was a bad case?

7 A. Yes, I --

8 Q. Did you know it was a bad case, then, when you saw the name
9 of the applicant?

10 A. Yes.

11 Q. And can you tell the jury, now, who that was? The name.
12 Yes or no?

13 A. I -- when I found that bad case, I -- I read her
14 application, and I -- at that time, I know -- I -- I knew her
15 name, but I forgot right now.

16 Q. So you forgot her name right now?

17 A. Yeah, I know her --

18 Q. That was important to you, wasn't it. I mean this was
19 something that was really, really troubling you. You were
20 concerned that you could get arrested for this, right? Weren't
21 you?

22 A. Yes.

23 Q. And as you sit here, now, talking about this bad case to
24 the jury, you don't remember her name, as you sit here now?

25 A. Yes, I don't remember.

1633

E430LIU3

M. Yu - cross - Fischetti

1 Q. You don't remember her name. That's all I want to know.

2 A. Okay.

3 Q. If you remember it while we're talking, if you suddenly
4 remember it, just please tell me.

5 A. Okay.

6 Q. When you went to work for the Feng Ling law firm, you went
7 to work, according to you, that it was a legitimate firm, is
8 that right?

9 A. Yes.

10 Q. And, then, as you started to work, you realized that fraud
11 was going on, is that right?

12 A. Yes.

13 Q. And then, as you further went on, you realized that Karen,
14 the person who owned the firm, was participating in the fraud,
15 is that right?

16 A. Yes.

17 Q. And you learned that she was going to ask you to
18 participate in the fraud yourself, isn't that right?

19 A. Yes.

20 Q. And participate in the fraud by writing false applications,
21 is that correct?

22 A. Yes.

23 Q. False stories, right?

24 A. Yes.

25 Q. Find false documents, right?

1634

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. Now, at that point, you were in the United States and you
3 wanted to become a lawyer; is that right?

4 A. Yes.

5 Q. So here you were, working for a firm that you thought was
6 legitimate, all of a sudden they said they wanted you to be
7 involved in criminal work; isn't that right?

8 A. Can you repeat the question, I'm sorry.

9 Q. I'm sorry. All of a sudden you learned when you were
10 there, that to stay there, you would have to commit crimes,
11 isn't that right?

12 A. Yes.

13 Q. You didn't leave, did you?

14 A. No.

15 Q. You stayed, right?

16 A. Yes.

17 Q. For how long?

18 A. I stay in that firm for three years.

19 Q. Three years, you stayed, committing crimes. Right?

20 A. Yes.

21 Q. And you never left?

22 A. I tried to left. And I left, finally.

23 Q. I'm sorry?

24 A. I always try to left, to leave the -- the firm. If I can
25 find another job. Another job will sponsored my status. And I

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E430LIU3

M. Yu - cross - Fischetti

1 finally left the firm when I got my status.

2 Q. So let's get this straight. You could have left and gotten
3 a job as a waitress, isn't that right? Because that's what you
4 are doing now, right?

5 A. Yes.

6 Q. Are you saying that Karen forced you to stay?

7 A. I'm not saying that.

8 Q. Are you saying that she threatened you?

9 A. No.

10 Q. If you would have left, she would have turned you in?

11 A. No.

12 Q. Are you saying that you could not leave, for any reason,
13 because you would lose your status and be deported, is that
14 what you are telling us?

15 A. Yes.

16 Q. Okay. So you're telling us that because you thought that
17 you couldn't get another job with the same status, you would,
18 you, yourself, would stay there for three years committing
19 frauds, is that right?

20 A. Yes.

21 Q. And now, here, pursuant to your cooperation agreement, you
22 are telling us that Karen was the one who taught you how to do
23 this, right?

24 A. That's truth.

25 Q. Well my question is, are you saying that she is the one who

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E430LIU3

M. Yu - cross - Fischetti

1 taught you to do it?

2 A. Yes.

3 Q. Okay. And you are saying that you never left, you just
4 continued to commit all of those crimes; is that right?

5 A. Yes.

6 Q. Now, when you pled to your crimes for immigration fraud,
7 you realized that those crimes included deceit, lying, and
8 helping other people to lie; isn't that right?

9 A. Yes.

10 Q. Okay. And you pled because you were facing 15 years in
11 jail; is that right?

12 A. Yes.

13 Q. And you're hoping that you will get zero if the
14 government --

15 The government, right?

16 -- believes you are not lying, right?

17 A. Yes.

18 Q. And, isn't it true that you believe that it's important to
19 you, and your sentencing, that this jury believe your testimony
20 and convicts my client?

21 A. I don't think that is important, because I was told I just
22 do my best, I don't need to care about the result.

23 Q. Okay. So now I'm asking you what you believe. I
24 understand what they told you.

25 A. Uh-huh.

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E430LIU3

M. Yu - cross - Fischetti

1 Q. But now I'm asking what you believe.

2 Do you believe it would be a good thing for you, when
3 you're sentenced and your lawyer can stand up before this judge
4 and talk about your substantial cooperation and say to the
5 judge she testified here and she convicted Karen, don't you
6 think that would be a good thing for you?

7 A. I -- I don't --

8 Q. Yes, or no --

9 A. No.

10 Q. -- or if you know.

11 A. No, I have done my best to --

12 Q. I understand. I understand you did your best, that's a
13 different question. Listen to my question and see if you can
14 answer yes or no, and I'll accept your answer.

15 A. Okay.

16 Q. I'm asking you, when you get sentenced, you know your
17 lawyer is going to speak for you; is that correct?

18 A. Yes.

19 Q. You have a lawyer; is that right?

20 A. Yes.

21 Q. That lawyer appeared with you on your proffer sessions?

22 A. Yes.

23 Q. On your cooperation, is that right?

24 A. Yes.

25 Q. He was here before the judge when you pled guilty, is that

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E430LIU3

M. Yu - cross - Fischetti

1 correct?

2 A. Yes.

3 Q. And that judge, that lawyer, is gonna be standing before
4 you when you are sentenced; is that correct?

5 A. Yes.

6 Q. And you know that lawyer is going to make a statement, a
7 pitch to the judge, on why you shouldn't go to jail; isn't that
8 right?

9 A. Yes.

10 Q. And you want to get zero, right?

11 A. Yes.

12 Q. So my question, simply, is do you think it would be better
13 for you to have your lawyer stand up before this judge and say,
14 your Honor, she cooperated completely, the jury believed her,
15 and they convicted my client. Do you think that would be a
16 good thing for you? Or wouldn't it matter.

17 MR. EAGAN: I think this has been asked.

18 MR. FISCHETTI: It has not been answered. Its been
19 asked.

20 THE COURT: Let's have an answer and move on.

21 You can answer the question.

22 THE WITNESS: Okay.

23 A. Maybe.

24 Q. The answer is maybe.

25 A. Yes.

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E430LIU3

M. Yu - cross - Fischetti

1 Q. Okay, I'll accept maybe.

2 Now, after you left the firm, you got a job, isn't
3 that right?

4 A. Yes.

5 Q. And who did you go to work for?

6 A. I worked for agent, it an employment agent.

7 Q. And did they get you a job, the employment agency?

8 A. I'm sorry?

9 Q. Did they get you a job?

10 A. Yes.

11 Q. Where did they get you a job?

12 A. Sent me to a law firm. I work there as document reviewer.

13 Q. And the law firm they sent you to was?

14 A. Dorsey and Whitney.

15 Q. Very large law firm?

16 A. Yes.

17 Q. Prominent law firm?

18 A. Yes.

19 Q. And you applied for that job?

20 A. Yes.

21 Q. And when you applied for that job, you were interviewed?

22 A. I was interviewed by the agent.

23 Q. And then you went on the job?

24 A. Yes.

25 Q. Did you tell the agency, before you were sent to this job

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E430LIU3

M. Yu - cross - Fischetti

1 at a law firm, that you were guilty of any number of frauds?

2 A. No, I didn't tell them, because --

3 Q. Did you -- did you tell them, yes or no.

4 A. No.

5 Q. And did you tell them that you were going to plead guilty
6 to the felonies?

7 A. No.

8 Q. You never told them that either?

9 A. No.

10 Q. When you got to Dorsey & Whitney, it was a law firm. You
11 were a lawyer at that point, right?

12 A. Yes, but --

13 Q. You were a lawyer?

14 A. I was hired as a paralegal.

15 Q. I asked a simple question. When you went to Dorsey &
16 Whitney to work, were you a lawyer?

17 A. Yes.

18 Q. And as I understand it, you left for a period of time to
19 study for the bar; is that right?

20 A. Yes.

21 Q. So you left the Moslemi firm to study for the bar, took it
22 once, failed, took it a second time, passed, okay?

23 A. Yes.

24 Q. I did the same thing, so.

25 So now you passed, you are a lawyer; is that right?

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E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. But before you actually become a lawyer, you have to pass a
3 character and fitness test; is that right?

4 A. Yes.

5 Q. And you have to see somebody, and sit down with this
6 person, and tell them that you are qualified, ethically, to be
7 a lawyer; isn't that right?

8 A. Yes.

9 Q. And you know what ethically means, don't you?

10 A. Yes.

11 Q. So did you have that interview?

12 A. Yes.

13 Q. Were you, in your mind, ethically competent to be a lawyer
14 at that point in your life?

15 A. No, I -- what I was doing at that firm --

16 Q. So, you knew that you shouldn't have been a lawyer at all,
17 isn't that right?

18 A. Yes.

19 Q. Now, you went to take the bar exam. You took the bar exam.
20 You passed the bar exam. You went to the character and fitness
21 interview. Obviously you lied to them about whether or not you
22 were ethically competent to be a lawyer, right?

23 A. Yes.

24 Q. And then you didn't change anything. You came back and
25 continued to commit frauds, isn't that right?

1642

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. So now you leave the firm as a practicing lawyer, is that
3 right, able to practice anywhere in New York State; is that
4 right?

5 A. Yes.

6 Q. You are not a lawyer anymore, are you?

7 A. No.

8 Q. Did you resign from the bar?

9 A. Yes.

10 Q. Okay. So when you go to Dorsey & Whitney and you are going
11 to work there as a lawyer, you don't tell them anything about
12 what your prior conduct was as a lawyer?

13 A. No. I work there, not as a lawyer. I worked there not as
14 a lawyer --

15 Q. I understand that. You worked there as a paralegal to
16 translate documents, is that correct. You didn't represent any
17 clients.

18 A. Yeah, when they hire people, they advertise they wanted
19 people with legal background or paralegal. It is not necessary
20 to be an attorney at that time.

21 Q. Good. I understand that. But you never told them about
22 your prior criminal past, right?

23 A. No.

24 Q. And, in fact, when you went there and applied to Dorsey &
25 Whitney, you had already pled guilty; is that correct?

1643

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. It wasn't that you just were cooperating and telling the
3 government that you committed crimes, you actually stood up
4 before a judge, like this, and said I did commit these crimes,
5 I pled guilty; is that right?

6 A. Yes.

7 Q. And now you are working in a law firm as a paralegal,
8 right?

9 A. Yes.

10 Q. Did you tell them, while you were working there as a
11 paralegal, that you were a convicted felon, didn't they ask you
12 to sign a confidentiality agreement, which basically asked you
13 if you had committed any crimes or had been involved in any
14 criminal conduct?

15 A. I signed. But the question only asked me whether you have
16 been convicted any criminal -- crime.

17 Q. Right.

18 A. I talk with my attorney and he said you are not convicted
19 yet, so I just answered the question no. In the firm, they
20 didn't ask me whether you plead any guilty.

21 Q. All right. Let's take this slow, so I can understand it.

22 You stood before a judge, before you went to Dorsey &
23 Whitney, right?

24 A. Yes.

25 Q. Okay. And this was a plea of guilty. You told the judge

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E430LIU3

M. Yu - cross - Fischetti

1 that you were guilty, right?

2 A. Yes.

3 Q. The judge asked you any number of questions, did you commit
4 this crime, you said yes. The judge asked you did you do it
5 voluntarily, you said yes. Asked you did anybody force you to
6 do it, you said yes. They said are you pleading guilty of your
7 own volition, you said yes. Right?

8 A. Yes.

9 Q. So you were convicted, then, when you told her that,
10 weren't you?

11 A. I asked my attorney. He told me I was not convicted at
12 that time.

13 Q. Did you look at the sentencing -- did you look at the plea
14 that you gave, did he know you pled guilty?

15 A. They don't know I plead guilty.

16 Q. Excuse me?

17 A. Who told me?

18 Q. I'm sorry, I don't understand now. You have to speak up.

19 I'm asking you, your lawyer, when he told you you were
20 not convicted, did he know you had pled guilty before the judge
21 to felonies, did he know that?

22 A. Yes.

23 Q. And he still said you were not convicted?

24 A. Yes.

25 Q. When the judge told you that you were eligible to be

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E430LIU3

M. Yu - cross - Fischetti

1 sentenced for 15 years, your lawyer knew that, he was here,
2 right?

3 A. Yes.

4 Q. And now you say you go to this lawyer and you ask him if
5 you have been convicted. Or he comes to you and says don't
6 worry about it, you have not been convicted. How did it
7 happen?

8 A. I talk with him about it, this job application. And the
9 question they asked me, I worry about it. I worry with apply
10 plead guilty thing. And I told my attorney they only asked me
11 whether I have been convicted of any crime, and he said --

12 Q. I'm sorry?

13 A. -- technically you are not convicted yet.

14 Q. Not convicted yet.

15 A. Yes.

16 Q. Did he say like it takes six months or a year after you
17 plead guilty to be convicted. I mean is that the way it works
18 according to him?

19 MR. EAGAN: Objection.

20 THE COURT: Yeah, I'm going to sustain that.

21 Q. Well, let me ask you this. Before you signed the
22 confidentiality agreement, after you pled guilty to the
23 felonies, right, before you took the job, you asked your
24 attorney if you have been convicted, he said no. Is that
25 right, am I right so far?

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E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. Did you tell the government, did you check with the
3 prosecutors and ask them -- let me finish -- can I take this
4 job and sign this application and say I have not been
5 convicted. Did you ask any of them?

6 A. I told the government, because I was sent to Guangzhou to
7 do this job. I talked to the government and I applied to the
8 judge. They know what I -- I was doing for that job. And
9 they -- they agree me to leave the country, they help me to
10 leave the country, they know what the job I was doing at that
11 time.

12 Q. Okay. We'll get to that. But my question is, you signed a
13 document to get this job that says that have you been convicted
14 of a crime, and you said no, right?

15 A. Yes.

16 Q. Did you ask the prosecution, was that all right that I lied
17 on my application. Did you ask them that?

18 A. I didn't ask them. I asked my attorney --

19 Q. Okay. If you didn't ask them, that's fine with me.

20 Now, there come a point when you are doing that job
21 and you're sent to China. They want you to go to China, is
22 that right?

23 A. Yes.

24 Q. And you need permission to go the China because, well, I
25 don't want to say you're convicted, because you say you are not

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E430LIU3

M. Yu - cross - Fischetti

1 convicted, but you have got bail limits so that you can't
2 travel outside of the country; is that right?

3 A. Yes.

4 Q. Pretrial services, or someone, has your passport; is that
5 right?

6 A. Yes.

7 Q. And you can't travel without the judge's permission.

8 A. Yes.

9 Q. Isn't that right?

10 A. Yes.

11 Q. So you speak to your lawyer to try and go to China and do
12 this job that you are doing, is that right?

13 A. Yes.

14 Q. And isn't it a fact that the only way you could go to China
15 for this job, and leave the country with the passport, is if
16 the judge signs an order allowing you to go; isn't that right?

17 A. Yes.

18 (Continued on next page)

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1648

E43Wliu4

M. F. Yu - cross

1 BY MR. FISCHETTI:

2 Q. And you do get the judge to sign the order allowing you to
3 go, right?

4 A. Yes.

5 Q. But isn't it true that that order says specifically that
6 you can only go there for purposes of work?

7 A. Yes.

8 Q. And you know that because you read it?

9 A. Yes.

10 Q. Right? Your attorney sent it to --

11 MR. FISCHETTI: Your Honor, I offer Defendants'
12 Exhibit 6 in evidence.

13 THE COURT: Is there any objection?

14 MR. EGAN: I just want to see how he's going to use
15 it.

16 THE COURT: I'm waiting for that as well.

17 MR. EGAN: I'm sorry.

18 THE COURT: Just lay a foundation.

19 MR. FISCHETTI: Sure. Okay.

20 Q. You talked about your lawyer writing a letter to the judge
21 to get you permission, Ms. Yu. Will you look at this document
22 and tell us if that looks like the letter the lawyer wrote?

23 A. Yes.

24 MR. FISCHETTI: Your Honor, I'd like to publish it to
25 the jury.

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E43Wliu4

M. F. Yu - cross

1 THE COURT: Is there any objection to the exhibit?

2 MR. EGAN: No.

3 THE COURT: It is admitted.

4 (Defendants' Exhibit 6 received in evidence)

5 MR. FISCHETTI: The letter is on the letterhead of
6 Patrick J. Joyce, Esq., with his address, and it's sent to the
7 Honorable Robert P. Patterson, United States district judge,
8 here, and it says, "Dear Judge Patterson, I am the attorney for
9 the defendant Meng Fei Yu, the defendant in the
10 above-referenced case. I'm writing this letter to request an
11 alteration in the bail conditions which were set in court on
12 August 21, 2012. The conditions set by the Court restrict
13 Mrs. Yu's travel to the Eastern and Southern Districts of New
14 York and the District of New Jersey. Ms. Yu would like to take
15 a one-month trip to China beginning July 19, 2013, and ending
16 on August 19, 2013. This trip is work related and necessary
17 for her to keep her position as a document reviewer with the
18 law firm of Dorsey & Whitney. I've conferred with Assistant
19 United States Attorney Brian Blais, and the government consents
20 to this request." And then there's a signature of the judge
21 approving it.

22 Q. So you got approval to go to China to work for a month, is
23 that right?

24 A. Yes.

25 Q. And during the time you were in China, Dorsey & Whitney

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E43Wliu4

M. F. Yu - cross

1 knew that, as they said, you were convicted of a felony, is
2 that right?

3 A. Yes.

4 Q. You didn't believe you were convicted of a felony because
5 your lawyer told you you hadn't been convicted, but that's what
6 they believed, is that right?

7 A. Yes.

8 Q. And when they found out, they immediately contacted you and
9 told you to come back immediately and stop working on the case,
10 isn't that right?

11 A. Yes.

12 Q. They sent you e-mails to come back, is that right?

13 A. Yes.

14 Q. They got you a ticket to come back, is that right?

15 A. Yes.

16 Q. But you didn't use the ticket, is that correct?

17 A. Yes.

18 Q. And you didn't use the ticket because you said I will stop
19 working on your project, but I can't come back now because I
20 have personal plans in China?

21 A. Yes.

22 Q. And you did have personal plans?

23 A. Yes.

24 Q. So your trip to China was not just work related?

25 A. No.

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E43Wliu4

M. F. Yu - cross

1 Q. It was for personal plans --

2 A. No.

3 Q. -- that you had in China?

4 A. No.

5 Q. Is that right?

6 A. No. The real reason --

7 Q. Not correct?

8 A. No. Not correct.

9 Q. All right. Not correct, not correct. But you did say you
10 couldn't come back because you had personal plans, is that
11 right?

12 A. Yes.

13 Q. Then eventually, of course, you did come back?

14 A. I'm sorry?

15 Q. You did come back, of course?

16 A. Yes.

17 Q. And you lost your job?

18 A. Yes.

19 Q. Now, these applications that we've talked about, that you
20 signed, each one of them that you signed says, "I declare that
21 I have prepared this application at the request of the person
22 named in part D, that the responses provided are based on all
23 information of which I have knowledge, and which was provided
24 to me by the applicant, and that the completed application was
25 read to the applicant in his or her native language, a language

1662

E43Wliu4

M. F. Yu - cross

1 Q. What did you talk about?

2 A. We talk about my husband school application and we chat a
3 little bit.

4 Q. Excuse me?

5 A. We talked a little bit.

6 Q. Nothing about the case?

7 A. No.

8 Q. Nothing about him being an interpreter?

9 A. No.

10 Q. How often have you spoken to him, if you can recall, in the
11 last year?

12 A. Spoke each other, you mean?

13 Q. Excuse me?

14 A. What's your question? You mean spoke to each other or
15 contact each other? What's your question?

16 Q. How often have you spoken to him, first, and how often have
17 you contacted him? Make it two questions.

18 A. Okay. We, we spoke to each other every, every one or two
19 months. We often call each other, maybe one time every, every
20 few weeks.

21 Q. So this is during the past year, one-year time?

22 A. Yes.

23 Q. You would speak to him every few weeks?

24 A. Yes.

25 Q. Would you call him or would he call you or it went back and

1669

E43Wliu4

M. F. Yu - cross

1 Q. Let me ask you this.

2 A. Okay.

3 Q. Last question. Okay? Do you remember saying or in the
4 conversation, whether you said it or it was said to you, that
5 if there was trouble, you can present files to try and clear
6 your name and push everything on --

7 MR. EGAN: Your Honor --

8 Q. -- everything on Karen, to shift the blame to Karen. Do
9 you recall if somebody said that to you?

10 A. I don't remember.

11 MR. EGAN: Objection.

12 THE COURT: She doesn't remember.

13 MR. FISCHETTI: I'm going to refresh her recollection.

14 THE COURT: But it's not her statement, right?

15 MR. FISCHETTI: I'm asking if she or if a speaker told
16 her that. I'm not asking what she said.

17 MR. EGAN: That would be hearsay.

18 MR. FISCHETTI: I'm asking if she heard the statements
19 spoken to her.

20 THE COURT: Right. That would be hearsay.

21 MR. FISCHETTI: That would be hearsay? Judge, can I
22 make a record of that.

23 THE COURT: Sure.

24 (Continued on next page)

25

1670

E43Wliu4

M. F. Yu - cross

1 (At the side bar)

2 THE COURT: Is this the coconspirator statement?

3 MR. FISCHETTI: No, it's not. It's not a big point,
4 and I'm finished. I'm basically offering this statement not
5 for its truth but for the effect on the listener. We have a
6 tape where it was actually said.

7 THE COURT: And tell me the statement.

8 MR. FISCHETTI: The three of them were talking. It
9 was saying if we have any trouble, if Karen has any trouble, we
10 can all shift the blame to Karen. That's what the statement
11 is.

12 MR. FRANZ: The statement is to this witness and
13 another government witness, if you have a problem, you can push
14 everything on to Karen. The government witness on tape
15 suggests this to this witness, that that would be something
16 that she could do. And I think that goes to state of mind.

17 MR. EGAN: The argument is what they did. Of course
18 it's for the truth.

19 THE COURT: I'm sorry?

20 MR. EGAN: The argument is that's what they did, that
21 they pushed it all on Karen.

22 THE COURT: But it's also the argument that it gave
23 her an idea as to what to do and how to do it, which is what
24 they're suggesting she's doing now. Right? So I'm going to
25 allow it.

E3oWliu4

Caudill- Mirillo - cross

1 Q. There are a number of reasons why somebody may not be able
2 to file within one year of arrival in the United States and
3 those are recognized exceptions, correct?

4 A. Definitely, yes.

5 Q. By the way, you worked in the Queens office, right,
6 Rosedale?

7 A. Yes.

8 Q. I think you listed about 12 counties that you supervise?

9 A. Yes. We have jurisdiction over those counties, yes.

10 Q. If somebody files an application and it turns out they
11 didn't live in one of those counties, they're filing in the
12 wrong place, right?

13 A. Yes.

14 Q. But that application, that's not a fraud, it can just be
15 transferred to another jurisdiction?

16 A. Yes.

17 Q. And there are procedures in place for that, right?

18 A. Yes.

19 Q. Because that happens from time to time?

20 A. Of course.

21 Q. People make mistakes?

22 A. Yes.

23 Q. They file in the wrong courts?

24 A. Yes.

25 Q. They relocate and they move?

E3oWliu4

Caudill- Mirillo - cross

1 A. People lie for a variety of reasons. If it's truly
2 irrelevant to the legal requirements under the law, then, no,
3 there's, it's disregarded.

4 Q. So people lie for a variety of reasons?

5 A. Yes, some of which could be nefarious and some of which
6 could be just embarrassment. There's a lot of reasons people
7 may lie.

8 Q. These applicants, according to you, some of them at least
9 lie to asylum officers, right?

10 A. That's true.

11 Q. They've lied to the government?

12 A. That's true.

13 Q. They've lied to paralegals and lawyers?

14 A. I, I, I would presume people lie to a variety of
15 individuals. I don't know.

16 Q. They lie to get into this country, perhaps?

17 A. Perhaps.

18 Q. Let's just say they've been lying in order to pursue their
19 claim for asylum, some of them, right?

20 A. Certainly some may, yes.

21 Q. And they're desperate, right?

22 A. Yes.

23 Q. They're fleeing a country that they don't want to go back
24 to and they're willing to do whatever it takes to stay here,
25 right?

E3oWliu4

Caudill- Mirillo - cross

- 1 A. Yes.
- 2 Q. And that's because they don't want to go back to China,
- 3 right?
- 4 A. Yes.
- 5 Q. But they swear an oath to tell the truth?
- 6 A. Yes.
- 7 Q. I think we're at six occasions, right?
- 8 A. I think so, yes.
- 9 Q. They subject themselves to going to prison, right?
- 10 A. Yes.
- 11 Q. But they still do it even though they're warned, right?
- 12 A. Yes.
- 13 Q. And they're told if we catch you, if it's fraudulent, if
- 14 you lie, if it's fake, you'll be barred from ever applying
- 15 again, right?
- 16 A. Yes.
- 17 Q. Lin Chen is a witness that may testify in this court that
- 18 you testified you reviewed her, you're aware of her status,
- 19 correct?
- 20 A. I am aware of her status.
- 21 Q. She's on fraud hold right now, right?
- 22 A. Yes.
- 23 Q. That's because she committed a fraud, right?
- 24 A. It's because she's suspected. She has not, in fact, come
- 25 to the immigration officials and acknowledged a fraud, but it,

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HAN - CROSS

1 writing and I will respond here in court or what I'll do is
2 send back testimony or evidence that is responsive to your
3 question. So that's how that process will work. But, right
4 now, we're going to turn to closing arguments.

5 And we'll hear first from the government.

6 MS. MERMELSTEIN: Thank you, your Honor.

7 THE COURT: I'm going to ask all of the lawyers to
8 speak into the microphones. Thank you.

9 MS. MERMELSTEIN: Huai Guo Wu, was a 19 year old high
10 school graduate when he came to America to try and earn money
11 for his family. He took English classes. He worked long hours
12 in a restaurant. And in 2011, he walked into the Bandrich law
13 firm and asked for help getting a green card.

14 He walked out conveniently transformed into a
15 persecuted Christian who had been beaten, and interrogated, and
16 imprisoned because of his faith.

17 Now, real, real law firms take asylum applicants who
18 have real stories of persecution, and they help those people to
19 apply for the asylum that they are entitled to. But the
20 Bandrich law firm created false asylum claims for anyone, who
21 had the \$10,000, for anyone who walked in their door. If you
22 had \$10,000, they had a false asylum claim for you. Because at
23 the Feng Ling Liu and the Bandrich law firms, a little thing
24 like the truth never stood in the way of a false asylum claim.

25 And that is why we are here today. Because these

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HAN - CROSS

1 defendants, Feng Ling Liu, and Vanessa, and Rachel Yang, they
2 participated in a brazen and efficient conspiracy to defraud
3 the entire asylum system.

4 These defendants, and the people with whom they
5 worked, filed nearly 2,000 asylum applications. They took any
6 person who walked in the door and they made them a victim of
7 the Chinese government. Christianity, family planning, falun
8 gong. If you had \$10,000, they had a claim for you.

9 Why? For the money. Over the nearly five years of
10 this conspiracy, these defendants, together, billed something
11 like \$18 million; \$10,000, \$11,000, \$13,000 an application, by
12 1800 or 2000 applications, and that is the math. This firm was
13 wildly successful. They took the hard-earned money of poor
14 farmers, and dishwashers, and restaurant workers, and they got
15 them asylum.

16 The evidence is now in. And you know that the
17 evidence is simply overwhelming that the Feng Ling Liu and the
18 Bandrich law firms were running a massive immigration fraud.
19 You saw that from literally the very first moment that an
20 applicant walked in their door.

21 Remember that very first recording, when Lin Chen went
22 to the Moslemi law firm. What were the very first questions
23 that she was asked? Did they ask her about her personal
24 experiences in China, did they ask her about any persecution
25 that she might have suffered? Was she asked anything at all

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HAN - CROSS

1 about what had happened to her? No. Here's what she was
2 asked. Have you been caught. Have you been fingerprinted. Do
3 they have your records.

4 And what happened when Lin Chen walked in the door at
5 the Bandrich law firm? The very same thing. She tells the
6 receptionist that she has been here for two years, and that she
7 arrived illegally. And what does the receptionist say? What
8 does the receptionist ask? Have you opened a bank account. Do
9 you have a credit card. Have you applied for a tax ID. Were
10 you caught in another country on your way here.

11 And Jason and Huai Guo Wu had that identical
12 experience. This fraud was so open, it was so bold that they
13 didn't even pretend to ask if someone had a real claim.
14 They didn't ask about the asylum applicant's persecution. The
15 only thing they cared about was whether there was evidence that
16 you had been in the country for more than one year. And you
17 know why that one fact was so important? Because you know that
18 asylum applicants have to apply for asylum within one year of
19 their arrival. So if you opened a bank account, or you went to
20 the hospital, or you got caught coming in over the border, then
21 even the Feng Ling Liu and the Bandrich law firms, they
22 couldn't make that go away. But so long as there was no record
23 of you being here, they didn't really care how long you had
24 been here.

25 Lin Chen told the receptionist she had been here for

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HAN - CROSS

1 two years. And that was no problem because the law firms were
2 perfectly happy to help you get one-year proof letters and
3 documents that suggested that you had only been here for less
4 than a year.

5 And where did these conversations take place? Not in
6 a private office, not behind closed doors. Take a look at the
7 reception area of the Feng Ling Liu and Bandrich law firms.
8 Should be coming up on your screens. Look at the reception
9 area at the Bandrich law firm. These blatantly openly
10 fraudulent conversations took place out in the open where
11 anyone could hear them.

12 So talking to the receptionist, that was step 1. What
13 was step 2? That was intake. Applicants met Feng Ling Liu and
14 David Miao and Lillian Miao and Harry Liu and Rachel Yang. And
15 what was discussed at that meeting? Not the personal story.
16 Not the details of any actual persecution. And where were
17 these conversations? They were in people's offices with the
18 doors wide open. What was discussed? The office managers
19 would, again, ask people if there was any evidence that they
20 had been in the country for more than a year. And the firm got
21 basic biographical information that they needed to assign a
22 client a fraudulent claim.

23 And the firm talked money. Why were the office doors
24 left open? Because this was not a secret. Everyone knew that
25 this was a fraud. It didn't have to be hidden from anyone who

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1 worked at that law firm. And you have recordings of these very
2 interactions. Look at what Lillian Miao said in the intake
3 meetings. Look at that very first meeting with Lin Chen. It's
4 government exhibit 40. Lillian asks: Are there any records
5 that you have been in the United States. Are you married. And
6 how old are you. And that is it. Lillian explains the fee
7 structure, that you can pay a thousand dollars up front and pay
8 \$10,000 more when you win. Or, you can pay \$500 up front
9 that's refundable if you lose. But, if you win, it's another
10 \$13,000. And, then, based on that bare information, Lillian
11 recommends a claim. She says, You are a single woman? For
12 you, we recommend a forced abortion. But she says if that
13 makes you uncomfortable, you can also claim that you were
14 persecuted based on Christianity. Not a single question about
15 the forced abortion. Not a single question about whether or
16 not she believes in Christianity, whether she was ever
17 pregnant, whether she even had a boyfriend. And that is
18 exactly the same thing as happened at the Bandrich law firm.

19 Lin Chen walks in, she says, I'm a single woman, I
20 have never been caught in the United States, and I'm not living
21 in New York. She says that she left China via Hong Kong. And
22 what does she get told? Same fee structure. The identical fee
23 structure at the two law firms. And they tell her that it's
24 gonna be at least \$10,000. And you saw that that was money
25 that was paid in cash. And you saw some of that cash that was

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1 found in the law firm when the FBI searched it.

2 And what is the firm concerned about in this first
3 meeting? They are concerned that the government will be able
4 to confirm when Lin Chen left China. They tell her the record
5 of your departure from Hong Kong might be discovered by the
6 immigration authorities, based on our experience. And you know
7 this is exactly the kind of thing that these law firms were
8 concerned about, because look at the notepad that was found in
9 the Moslemi law firm. What does that say? It says in
10 countries in South America and Central America, it is easy to
11 find out. It may have found out, except for Venezuela and
12 Cuba. In Argentina, it is not easy to find out. What are they
13 talking about? They are talking about which countries the
14 government can verify that you have gone through on your way
15 here. And look at the photos of the law firms themselves.
16 Look at the walls. Look at how many maps are on the walls of
17 that law firm. Why? So you could coach asylum applicants
18 about the routes they were going to say they had taken to come
19 into the United States.

20 And going back to the Lin Chen meeting at Bandrich,
21 what do they tell her? Not you can't apply for asylum if you
22 have been here for more than a year, not you can't apply here
23 if you don't live in New York. She doesn't get asked about her
24 experience in China. Here's what they tell her. Christianity
25 is really complicated if you don't live in New York because you

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1 are going to have to start going to church. And how are you
2 going to go to a church in New York if you don't live here.
3 Instead, they recommend family planning. And so, now, the
4 applicant has a story assigned to them, a claim assigned. What
5 is the next step? It's the storywriting. Storywriters, like
6 Meng Fei and Victor, would get a file. And that file had three
7 things on it; the client's name, their telephone number, and
8 which claim they were assigned.

9 And did the storywriters interview the applicant, did
10 they ask them questions? Not really. They took basic
11 biographical information and then they used that basic
12 information to create a story. They made it up. And if the
13 storywriters were being pretty careful, they sometimes said no,
14 no you write the story first. But you heard what happened.
15 Applicants didn't know how to make these stories up. And so
16 even when they told the applicants to write these first drafts
17 themselves, you saw what happened. Look at what happened with
18 Lin Chen. She goes to Feng Ling Liu. Look at Huai Guo Wu and
19 his experience at Bandrich. The storywriters, the people like
20 Rachel Yang. They just write the stories. They give them the
21 whole story, and tell them to copy it over. They don't
22 interview the asylum applicants before they add details to
23 their story. They just add facts to the story about
24 persecution, about detention, about beatings. And the
25 storywriters showed those stories to the lawyers. Lawyers like

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1 Feng Ling Liu and Vanessa. And what did the lawyers do to
2 those stories? They made changes. They made a beating more
3 severe, they made the amount of time that a person had been in
4 detention a little shorter. Because if you say you have been
5 detained for six weeks, it's gonna be a little strange when you
6 can't describe what the place looks like that you were detained
7 in. And you have specific examples of this. Look at
8 government exhibit 416. Where Vanessa adds in information
9 about a person being detained for a month, and being
10 mistreated, even though that information appears nowhere in the
11 translated version that Vanessa is looking at.

12 And the law firms also help to gather proof, one-year
13 proof. First, the applicants needed attesting letters, letters
14 from family and friends in China that would describe their
15 pretend persecution. And you have heard there were a couple of
16 requirements for these letters. First, they had to look like
17 they had really been written in China. So it had to be on
18 right-sized paper, they had to use the right kind of ink and
19 you needed to have a postmarked envelope from China.

20 Second, the person writing the letter was supposed to
21 include a copy of their identification. So here, you cannot
22 just make up a person's name, you need to have a real person
23 who is going to let you use their ID. And that person has to
24 be more or less the right age and the right gender. Because a
25 letter portending to be from a boyfriend in support of a

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1 girlfriend's asylum application, that has to be someone who is
2 more or less the same age. But if you are getting a letter
3 from a fake pastor, it is a good idea to get that from someone
4 who is older, so it looks like the kind of person who really
5 might be a pastor. And how do you know all of this? Well, you
6 heard it directly from Meng Fei and from Victor. They wrote
7 these attesting letters. They drafted these fake stories. And
8 they did that without ever asking any client for actual
9 details.

10 They followed the law firm's guidelines that in a
11 Christianity claim, you needed a letter from a friend, a letter
12 from a family member, and a letter from your pastor. And that
13 you had to have an ID that fit more or less into the right age
14 bracket. And the exact same thing was happening at Bandrich
15 law firm. Because, remember, Rachel Yang told Huai Guo Wu, she
16 told him you need a letter from your mom, you need a letter
17 from a friend, and you need a letter from a pastor. And she
18 specifically said you should get someone older to give you
19 their ID to be the pastor. And that is all Rachel Yang told
20 him Before handing him three already typewritten letters to
21 have him send them to China to be recopied and mailed back.

22 Of course, Huai Guo Wu didn't have a pastor. Huai Guo
23 Wu was never persecuted based on Christianity. So what did he
24 do? You heard what he did. He asked his uncle, an older
25 person with a different last name, a person who was absolutely

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1 not a pastor. And you even saw how those letters would be
2 written, with blanks for the name for the person who was going
3 to sign. Because sometimes the applicant wouldn't know whose
4 identification they were going to use.

5 Look at the picture of the computer screen that was
6 taken during the search of the Moslemi law firm. What is that.
7 That is a letter being written on the very day that the FBI
8 searched the law firm. And even though the law firm is the one
9 writing the letter, they don't know the name of the person it's
10 coming from. They have never talked to them. They just put in
11 XXX so it can be filled in later.

12 In some cases, you heard the applicants didn't even
13 bother to mail these letters to China. They just had people
14 copy them over inside the United States.

15 Lin Chen and Jason both told you that that is exactly
16 what happened with their letters. And, in fact, you heard Lin
17 Chen say that she had other people sitting around the law firm
18 copying it over for her, so the handwriting on the different
19 letters would be different.

20 The letters needed to have different handwriting, they
21 needed to have different ink, and needed to have different
22 types of paper. And what if you didn't have the right kind of
23 paper, what if you didn't have Chinese paper on hand, not a
24 problem. The law firm kept it on hand for clients to use.
25 Look at what was found in both law firms. Different kinds of

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1 blank paper ready to be used to create these fake letters.

2 But the only fake documents here were not the stories,
3 they were not the attesting letters. You also saw there was
4 all kinds of fake documents showing that people have been in
5 the United States for less than a year. Remember in government
6 exhibit 44, Lin Chen is sitting around the law firm. And just
7 sitting there, she hears Lillian Miao talking to some other
8 client right out in the middle of the law firm. So no effort,
9 by anyone to hide what is going on. And what does Lillian Miao
10 say? She says you need to get a fake airline ticket. And the
11 applicant says, I'm not exactly sure I know where to get fake
12 airline ticket. And she says, it is no problem, everybody in
13 Fujian knows how the get a fake airline ticket. Look at
14 government exhibit 57. That is the phone call between Lin Chen
15 and China. We didn't read that all of the way through in front
16 of you, but it's in evidence and you can look at it.

17 Look what happens. Lin Chen calls this document
18 provider in China. And he says he is already familiar with
19 what she needs. He is already familiar with the Feng Ling Liu
20 law firm. He can make boarding passes. He can make medical
21 records. He can make drivers licenses. Whatever you need, he
22 can make it. In fact, this practice was so common that when
23 Lin Chen goes to talk to David Miao and she tells him that her
24 one-year evidence worked, the asylum office thought her
25 one-year evidence looked pretty good. What does he say. He

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1 says where did you get it from? She says, oh, I used that guy,
2 the same person that Lillian told me to use. And he asked,
3 well, what did you pay for this asylum application, fake
4 evidence. And she tells him. And what does he say in
5 response? He says that was a pretty reasonable price. You saw
6 that the firm helped make these fake documents. You saw that
7 they had all kinds of blank paperwork ready to be filled out to
8 submit with fake asylum applications; blank church letterhead,
9 blank receipts, even blank medical records.

10 So what happened after an application was filed? The
11 applicant was prepared for their asylum interview. What kind
12 of materials did they use? You saw some of those materials.
13 Remember, you saw question and answer forms for Christianity,
14 in both the Moslemi law firm and the Bandrich law firm. And
15 these were not just similar question and answer forms.
16 Remember, Meng Fei Yu said that the very form she was used to
17 using in the Moslemi law firm, that same document was found in
18 the Bandrich law firm. The firms were using the identical
19 preparation materials.

20 And what kinds of information were these questions and
21 answers answered? They answered questions like what is the
22 Bible. They answered questions like when was Jesus born. For
23 falun gong, they answered questions like what is falun gong.
24 They told people applying, based on persecution under the
25 family planning policy, what the family planning policy was.

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1 And now you have to ask yourselves, what would a
2 legitimate law firm do with this kind of stuff? You heard Ms.
3 Caudill-Mirillo testify. She told you you don't have to be a
4 Christian scholar to apply for asylum. You don't have to be an
5 expert practitioner in falun gong. But use your common sense.
6 Are there people who are true believers in Christianity who do
7 not know what the Bible is? Are there people who practice
8 falun gong, who don't know what falun gong is. Are there
9 really women who have suffered forced abortions who are not
10 aware that China forbids pregnancy outside of marriage. Of
11 course not.

12 The one and only reason for these kind of training
13 materials to be present in this law office was to coach people
14 whose claims were made up, who didn't know about Christianity,
15 who didn't know about family planning, who didn't know about
16 falun gong. The only purpose that these materials had, was to
17 tell people how to lie.

18 And what could you tell from these coaching sessions.
19 What is crystal clear, is this. Every single person involved
20 knows that this is a fraud. Look at government exhibit 110,
21 where Lillian Miao is preparing Lin Chen. It's a long
22 recording, and we didn't read the whole thing. But what
23 happens in that prep session? Lillian explains, in graphic
24 detail, the way that an abortion happens. She talks about the
25 instruments that are used, she talks about the position that

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1 you would have to be on in the operating table, she talks about
2 how long it takes. And why is Lillian telling this to someone
3 who is filing an asylum claim based on forced abortion?
4 Because Lin Chen doesn't know what it is like to have an
5 abortion, she never had one. And the only way that she is
6 getting this information is from law firm.

7 Look at the recording where Jason is prepared by Kevin
8 at the Bandrich law firm. That is the exact same thing,
9 government exhibit 141. Kevin literally asks, Have you read
10 your story before. Kevin holds up materials and says I
11 recommend you read this to learn about falun gong. Kevin is
12 concerned that Jason won't be able to describe, with accuracy,
13 what a police uniform looks like. And so what does he tell
14 him? He says, do you have your personal computer. You could
15 find a TV drama, a drama called Police Chief.

16 Take a look at that TV drama, including how the public
17 security police officers look like, what uniforms they wear and
18 how they usually arrest people. When they arrest people, how
19 the police vehicles look like. All of these are in there,
20 including from how they interrogate people. That is Kevin's
21 advice. Don't know what to say, don't know how to lie, look it
22 up on the internet.

23 And, finally, let's look at this exchange. Kevin says
24 what you need to do now is to make those immigration officers
25 believe you are a practitioner.

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1 Jason says: Um. And Kevin says: Just like an actor.
2 And Jason says: Um. And Kevin says: Play it well. That is
3 Kevin's ultimate advice, being an actor. Treat it like a play.
4 Memorize your lines.

5 Now let me say just a brief word about the recordings
6 in this case. There has been a lot of fuss about the
7 recordings, about typographical errors, about the coincidence
8 of a translator knowing Meng Fei Yu.

9 Here is what you have not heard. You have not heard a
10 single question about the substantive accuracy of the
11 recordings. Phillip Hughes worked on every recording made by
12 Lin Chen. He was asked not one question about whether or not
13 the recordings, themselves, and the translations, were right.
14 Yes Chen got asked a couple of questions, like is the word for
15 invoice the same as the word for receipt. And he got asked
16 again, and again, and again, to define the phrase, mm-hmm,
17 mm-hmm, mm-hmm. And Mr. Lin got asked a very lot of questions
18 about Meng Fei Yu. But what didn't he get asked? He did not
19 get asked a single question about whether the translations were
20 right. There was not a single instance, not one, in which
21 defense counsel pointed to the recordings and to the
22 translations and said, wait, there is a whole part of the
23 recording that is not in the translation. Or, wait a minute,
24 there is something here in the translation, and it is not on
25 the recording. There was not a single time. And you have the

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1 transcripts. And you heard the testimony of the people who
2 actually made the recordings. And they told you, we read the
3 transcripts to you, and the Chinese is right. And they talked
4 to you about the kind of conversations they were having, and
5 they described those conversations, and it matches up to
6 exactly what is in the translations.

7 So why are defense counsel trying so hard to discredit
8 transcripts? Because the recordings are such powerful
9 evidence. Because you can't cross-examine a recording. You
10 can't make a recording cry. And these recordings are
11 devastating. These are recordings, without any other evidence,
12 on which you could convict all of these defendants.

13 So the defense lawyers have to do something. And they
14 have tried very hard to confuse the issue. But at the end of
15 the day, there is simply no evidence that these transcripts are
16 anything other than accurate transcripts of the recordings.

17 You heard it from the translators, you heard it from
18 the witnesses, and it matches up to exactly what you heard was
19 going on at these law firms.

20 So let's go back to the process for a second. If,
21 after all of this preparation, the applicants passed the asylum
22 interview, then that was it. The law firm got their money and
23 the person got asylum, anywhere from \$10,000 to \$13,000 per
24 applicant. But if they fail, they went to court.

25 Now as you have heard, it could literally take years

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HAN - CROSS

1 for asylum applicants to have their day in court. And so you
2 don't have any recordings of applicants being prepared by the
3 lawyers themselves. Because the FBI arrested everyone before
4 those court dates would have come up. But you know what would
5 happen. The client would be prepared again. Often because so
6 much time had passed, the client would no longer remember their
7 fake story. And what would happen when a client didn't
8 remember their story? The lawyers would remind them. They
9 would point to the written story and they would tell the
10 applicants to memorize it. It is completely clear that these
11 law firms were shameless fraud mills. They churned out lie
12 after lie after lie with tremendous efficiency. And each and
13 every employee at the firm had their own role in helping that
14 to work. From the receptionist who asked if you had been
15 caught, to the lawyer who prepped you for your court hearing.
16 Everyone plays their role in getting these fraudulent asylum
17 applications to succeed, because that is how the law firm got
18 paid.

19 So what were these defendants' roles and how do you
20 know that they knew exactly what was going on? Let's talk,
21 first, about Feng Ling Liu. She was the leader of the entire
22 operation. It was her name on the door. She hired people.
23 She fired people. She gave out work assignments. She issued
24 internal rules to keep anyone at the firm from getting caught.
25 And she raked in millions and millions of dollars.

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HAN - CROSS

1 So that's the first way you know, because she directly
2 participated in it. Through her open office door, right next
3 to where Victor and Meng Fei Yu used to sit, they heard her
4 meeting with new clients. They heard her get client background
5 information and age, and then assign them a claim without any
6 other discussion.

7 Feng Ling Liu reviewed stories and attesting letters
8 that were written by Victor and by Meng Fei Yu. And she would
9 make changes to those stories without speaking to the clients
10 and without speaking to the storywriter. In fact, you heard
11 that in one particular case, Feng Ling Liu rewrote an entire
12 story herself, story for David Miao's nephew.

13 How else do you know? Because look at the atmosphere
14 in the law firm. Look at who works there. Next to Feng Ling
15 Liu, you have her husband, Dave Miao. That is the very person
16 who conducted intake interviews and coached Lin Chen that under
17 no circumstances should she admit at an asylum interview that
18 she was lying. Feng Ling Liu's brother, Harry Liu, an office
19 manager at the Feng Ling Liu law firm, who went on to open up
20 the Bandrich law firm. Feng Ling Liu's sister-in-law Yolanda,
21 who trained Victor and moved to the Bandrich law firm where you
22 heard her talk to Lin Chen about what the best fraudulent
23 asylum application would be.

24 And Feng Ling Liu's sister, Lucy. And Lucy's husband,
25 Kevin. That's the same Kevin who coached Jason how to lie.
(Continued on next page)

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Summation - Ms. Mermelstein

1 And finally, David Miao sister Lillian, she's the one
2 who told Lin Chen exactly how to describe a fake abortion.

3 And what are people talking about in the open areas of
4 the law firm? They are talking about fraud. Look how often in
5 the recordings other clients are captured saying things that
6 are clearly part of the fraud. Look at how an unidentified
7 male or unidentified female are asking about fake documents,
8 timing or their fake claim. Was anyone trying to hide what
9 they were doing? The opposite. This was an open secret,
10 something that was hidden only from the government and from the
11 asylum office. Clients discussed their cases, their false
12 stories, their fake documents with each other and with other
13 people who worked at the law firm. So, Feng Ling Liu, just by
14 walking around the law firm every day, would have known exactly
15 what was going on.

16 And what about the efforts to hide the fraud? You
17 heard that Feng Ling Liu changed the law firm name to Moslemi &
18 Associates. You heard that after that change it wasn't a real
19 change, Feng Ling Liu was the boss, David Miao was the boss.
20 Nothing changed but the name on the front door.

21 And, in fact, while the firm name changed on English
22 language business cards and on signs that were in English, the
23 Chinese signs that were presented with Feng Ling Liu's name
24 inside the office and on the front door to the building, those
25 stayed exactly the same.

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E487LIU6

Summation - Ms. Mermelstein

1 in court.

2 At the beginning of this trial Mr. Egan asked you to
3 use your common sense. What does your common sense tell you?

4 What would you do if you found out that your employees were

5 committing a fraud under your roof? Would you respond with

6 outrage, with shock, with anger? Would you just say um-hum?

7 Of course not.

8 So, why is Feng Ling Liu responding this way? Because
9 she knows exactly what Meng Fei is talking about. She is not
10 shocked. But, as you heard, Feng Ling Liu was also very
11 careful. She was concerned about talking on the phone about
12 the possibility that her calls could be intercepted. And she
13 has a former colleague acknowledging the fraud on an open
14 telephone line. And so she says the minimum, mmm. That's it.

15 One final point about this call. This call does not
16 just show you that Feng Ling Liu knew about and participated in
17 the fraud at the Feng Ling Liu and Moslemi law firms. It shows
18 you that notwithstanding all of the nonsense about the name
19 changes, whether it was called Moslemi or Feng Ling Liu, this
20 firm always belonged to Feng Ling Liu, because here is what
21 this call tells you, that when it was made in September of 2012
22 Feng Ling Liu was still in charge. She is in charge of hiring,
23 she is in charge of assigning who goes to court and who does
24 what jobs, and she is still monitoring the asylum application
25 process. And when you take all of this together, it is clear

E3oWliu4

Caudill- Mirillo - cross

1 A. Again, we don't move on any case --

2 Q. It's a yes or no.

3 A. It's a no. I think I explained why. Thank you.

4 Q. Now, with regard to the applicants that came in, they swore
5 the oath and they continued to lie and fool your officers,
6 right?

7 A. Yes. It's happened, yes.

8 Q. And some of these people, as we said, are unsophisticated
9 and uneducated, and they still fooled your officers?

10 A. Yes, it's possible.

11 Q. And they did so because they didn't want to be deported?

12 A. I would assume so, yes.

13 Q. And they did so because they wanted to stay in America?

14 A. Yes.

15 Q. And they did so because they wanted to live free, correct?

16 A. I don't know their motivation.

17 MR. BOONE: Objection.

18 THE COURT: Was there an objection?

19 MR. BOONE: I'm not sure what he means by live free.

20 THE COURT: Sustained.

21 BY MR. FRANZ:

22 Q. They didn't want to go to prison, right?

23 A. I don't know why they, why they didn't -- I don't
24 understand. I guess I'm not understanding your question.

25 Q. Well, one, people came in, according to you, and they lied

E3oWliu4

Caudill- Mirillo - cross

1 to your officers, right?

2 A. Yes.

3 Q. If they went in and told your officer, Hey, my
4 application's a fraud, I lied to you, right, they could go to
5 prison for making that admission, right?

6 A. Yes, they could.

7 Q. So they continue with their lie to avoid making that
8 admission?

9 A. Oh, yes.

10 Q. So they don't want to go to prison, right?

11 A. Yes. I'm sorry.

12 Q. They don't want to be deported.

13 A. I thought you were speaking in China. Sorry. Yes. That's
14 the case. Yes.

15 MR. FRANZ: Thank you.

16 THE COURT: Is there any other cross-examination?

17 MR. MAHER: Yes. May I have a moment to set up.

18 THE COURT: Yes.

19 MR. MAHER: Thank you.

20 MR. FRANZ: Your Honor, could I ask a couple of
21 follow-up real quick?

22 THE COURT: Yes.

23 BY MR. FRANZ:

24 Q. With regard to the database search with regard to the
25 number of applications that were filed --

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E487LIU6

Summation - Ms. Mermelstein

1 gets said in the conversations.

2 First, you hear over and over and over that Feng Ling
3 Liu trusts Bandrich, that Feng Ling Liu only wants Bandrich to
4 handle her cases. These are just a few cites: If Feng Ling
5 Liu ever has to get someone to cover her office, she only wants
6 me to do it. They really want me to take the case because
7 they've been so complicated. And Meng Fei says they trust you.
8 And Vanessa Bandrich says, right, they do. And Vanessa
9 Bandrich says, their office doesn't want anybody to play with
10 the file. When they can't handle it, they want me to handle
11 it.

12 Ask yourselves this. Feng Ling Liu builds a law firm,
13 she staffs it with family member after family member after
14 family member, and then they bring Vanessa Bandrich in; she is
15 their go-to person. They don't want to trust anyone else.
16 Would Feng Ling Liu brought someone in who had no idea what was
17 going on, someone who if they discovered what was going on
18 might call the F.B.I., might tell the court, might get them in
19 trouble? Of course not. Remember what Victor told you, they
20 only hired people who were dirty.

21 Let's look at 133. Vanessa Bandrich is complaining
22 that she has a case that she is worried is going to fail
23 because the applicant has traveled to the United States many,
24 many times and has never applied for asylum. And, remember, if
25 there is a record that you have come in before, that's

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Summation - Ms. Mermelstein

1 down. You know, last year Ms. Liu talked to me and Brendan
2 privately. I told you she would sometimes worry about --" And
3 Vanessa Bandrich interrupts. "About what? Money? Or getting
4 into trouble?"

5 Those were the two things that mattered to Feng Ling
6 Liu: Getting asylum applications approved so they could get
7 their 10, 11 and \$13,000 fees, and not getting caught. And
8 Vanessa Bandrich knew that immediately. She knew those were
9 the two things that Feng Ling Liu would have been worried
10 about. And why would she be worried about getting caught,
11 about getting in trouble? Because it was a fraud, because they
12 all knew it was a fraud, and nobody wanted to get caught.

13 And, finally, let's talk about Rachel Yang and what
14 she did and how you know that she knew.

15 First, remember Huai Guo Wu? He shows up at the
16 Bandrich law firm. He walks in for the first time, and no one
17 asks him if he has suffered persecution. Rachel Yang tells him
18 you have to start going to church so the American government
19 will believe that you are really a Christian. And he does
20 start going to church. Rachel Yang told him what to put in his
21 asylum story, and then when it wasn't good enough, she rewrote
22 it so it would be stronger. She told him to find a family
23 member, a friend, an older person to be the pastor and sign the
24 letters on his behalf. And then Rachel Yang wrote those
25 letters without asking a single question.

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E4aWliu6

Rebuttal - Mr. Boone

1 knew there was a fraud. That's not the response you give when
2 you know you're not running a fraudulent law firm. That was
3 her husband on the phone. That was her husband on that
4 recording. You can take all these recordings back. You have
5 the transcripts, you can read them for yourselves.

6 That was just one family member in that firm. I can
7 keep going. Kevin, married to one of her family members;
8 Harry, brother-in-law; Lillian, sister-in-law; Lucy, sister;
9 Ann, sister; Yolanda, sister-in-law. Almost half a dozen
10 people in this firm were family members. This isn't a big firm
11 we're talking about. This isn't a Wall Street firm with
12 offices in Paris and London and Rome. It's a firm in
13 Chinatown, got maybe 15 people. To argue that she had no idea
14 that a fraud was going on in her own firm, that the majority of
15 her family members worked in, is beyond ridiculous. We all
16 have families and we all know one of the hardest things in the
17 world to do is to keep a secret from a family member. You
18 probably remember a time when you were young, maybe you had a
19 crush on someone in school, maybe you told your brother, told
20 your sister, and next thing you know, your mom's teasing you
21 about it, your dad's teasing you about it, maybe even grandma's
22 teasing you about it. Families talk. That's what they do. So
23 the idea that no one in this firm informed her that there was a
24 fraud going on is completely ridiculous.

25 You know how prevalent the fraud was, too. It was

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E4aWliu6

Rebuttal - Mr. Boone

1 done out in the open. Many of these conversations were done in
2 area A, that's the main area. There is no way you can't hear
3 what's going on in that area. There's no secret room in the
4 firm where the family members run, conduct fraud really quick,
5 and then run out and say, Please, don't tell Feng Ling Liu we
6 just did some fraudulent stuff. It's not possible. You know
7 that's ridiculous.

8 Now, I want to now talk a little bit about Lin Chen.
9 Defense counsel made a point that Lin Chen went to the Feng
10 Ling Liu law office several times, I forget, 30, whatever it
11 was, however many times, and she never saw Feng Ling Liu, and
12 they said that because they actually thought it meant
13 something. I'm going to tell you it means. Absolutely
14 nothing. The fact that she went to Feng Ling Liu law firm and
15 Moslemi & Associates and didn't see Feng Ling Liu is evidence
16 of nothing.

17 Think about your favorite restaurant. Think about how
18 many times you go there. You maybe go there 30 times in a
19 year. How many times do you go to your favorite restaurant and
20 see the owner of the restaurant? Probably very rarely, if at
21 all. That's because there's a division of labor. People have
22 different jobs. There are people who stand out in the front.
23 There's a host who greets you when you come in. When the host
24 gets done with you, they introduce you to the waiter. The
25 waiter comes and gets your order and then they have a guy who

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E4aWliu6

Rebuttal - Mr. Boone

1 recordings. The FBI was not listening to her phone calls 24
2 hours a day. They had employees and they had asylum applicants
3 wearing recordings at specific time periods.

4 Second, you heard about the efforts she took to make
5 sure she didn't get caught. You heard about the big meeting
6 she had where she gave some very strange and incriminating
7 instructions. She told her employees, employees of a law firm,
8 don't talk to clients on the phone. That was one of her
9 instructions. But she gave an even stranger instruction:
10 Don't talk to strangers. And you know in addition to that she
11 instructed them to shred documents and delete computer files.
12 But my point is she tried very hard not to get on the phone,
13 and the fact that we got one phone call is nothing short of a
14 miracle.

15 Now, the idea that one phone call is not important is
16 ridiculous. One phone call could be extremely important and
17 one phone call can be extremely incriminating. I want you to
18 think about this unfortunate scenario that some people may have
19 been through. Imagine you've been working a long day. You
20 come home, you're tired, and you see that you have a message on
21 your phone. You play the message. You know on the other end
22 of that message is your significant other, boyfriend,
23 girlfriend, and they're describing a trip to Jamaica, a weekend
24 getaway they planned. They talk about how you're going to do
25 ZipLining, hang out on the beach, go snorkeling, and then at

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E4aWliu6

Rebuttal - Mr. Boone

1 the end of the call, they mention someone else's name. And you
2 realize that message wasn't for you, so you confront the person
3 and you say, Hey, I got your message, what was that about. And
4 their response is you only have one call. What would you say
5 in response to that? You would say what difference does it
6 make?

7 What difference does it make you only have one call?
8 One call can be extremely important. One call can be extremely
9 incriminating. And pay attention to this call. This call Mr.
10 Fischetti was talking about was a call involving Meng Fei Yu
11 talking about the fraud. She's talking about how she's scared
12 to come back to the firm because she doesn't want to put
13 herself in the position where she may get caught by a judge or
14 by a client, confessing to a judge that the story isn't true.
15 And what does Feng Ling Liu say in response? She doesn't say:
16 Back up. What are you talking about. Why would a client ever
17 say that? That makes no sense. Are you actually drafting
18 fraudulent applications? Because that's against the law, Meng
19 Fei Yu.

20 No, she doesn't say that. She says mm, mm, and she
21 says it several times and Meng Fei Yu goes into more detail
22 about the fraud and her response is the same, mm, mm. Is that
23 the response of someone who doesn't know what she's talking
24 about? Someone just accused your firm of perpetrating a fraud,
25 and your response is mm, mm? And she goes a step further and

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E4aWliu6

Rebuttal - Mr. Boone

1 You may proceed.

2 MR. BOONE: Now, the reason for that is law-abiding
3 citizens don't work in fraud mills. They don't. They choose
4 to work other places so they can't tell you about what happens
5 in a fraud mill. To learn what happens in a fraud mill, you
6 need people who work in fraud mills. And those people tend to
7 be criminals. That's why we had those witnesses testify before
8 you, because they could tell you the intricacies of how the
9 firm worked, and they're the only ones that can tell you that
10 information.

11 Now, the idea that they simply came here to tell a lie
12 is ridiculous, and you know that. Each witness went over their
13 cooperation agreement with you. Those agreements are in
14 evidence. You can review them if you want. And they made it
15 clear that their understanding of the agreement is that if they
16 come here and lie, they will lose their agreement. Period.
17 There are no ifs, ands, or buts about it. If they get on the
18 witness stand and tell a lie, they lose their agreement. They
19 have absolutely no incentive to come in here and tell a bunch
20 of lies. They told you they've been working for the FBI for a
21 long time. They've done a lot of recordings and had a lot of
22 meetings. They have no incentive to throw away all the effort
23 they put in just to come tell a lie. They have no incentive to
24 subject themselves to being on the witness stand, to exposing
25 themselves as cooperating witnesses for the government just to

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E4aWliu6

Rebuttal - Mr. Boone

1 tell a lie.

2 And think about what they said when they got up there.
3 They named several people involved in the fraud, many names,
4 David, Lillian, Ann, Harry, Kevin. They named several people,
5 and they told you exactly what they knew about each of those
6 people. They didn't say I only know Feng Ling Liu or only know
7 Vanessa Bandrich or only know Rachel Yang. They named all the
8 people they knew and they gave a measured account of what they
9 knew about them. They didn't say any more, they didn't say any
10 less.

11 Now, on that same point, if what the defense wants you
12 to believe is true, which is that they came here to lie to you
13 and pin the blame on their clients, don't you think they could
14 have come up with a much better story than they came up with?
15 I mean, Victor You and Meng Fei Yu were professional liars,
16 right? That was made very clear. They lie all the time,
17 they're good at it. They know how to make stories, that's what
18 they do, according to the defense. Don't you think they could
19 have told a better lie? What did they say about Feng Ling Liu?
20 They didn't say we saw her writing stories from sun up until
21 sundown, until her hand fell off. She was always writing
22 stories, you couldn't stop that woman from writing stories.
23 They didn't say that. They said she edited the stories, gave
24 comments, and they described what those comments were. Think
25 about that. If they really wanted to pin the blame on one of

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E4aWliu6

Rebuttal - Mr. Boone

1 that she told people on five such occasions you need to
2 memorize this story shows she knows they don't know their story
3 because it's not true; it didn't happen to them, because if
4 that happened to you, you would not forget that. Your common
5 sense tells you that.

6 You're not going to forget the day you were forced to
7 have an abortion. You're not going to forget the day you were
8 beaten in jail. You're going to remember that day, and you
9 don't need anyone's help helping you remember that day. That's
10 the first reason you know that she knew about the fraud and
11 that she was an active member in that fraud.

12 Now, continuing on this timeline, what happens next?
13 Some time passes. A year, maybe a little less than a year, she
14 gets promoted. She gets an opportunity to head her own firm.
15 Wow, great opportunity for someone who's been out of law school
16 or at least practicing law for a year. What are the odds that
17 she would ascend so high so quickly? Think about it. Knowing

18 what you know about Feng Ling Liu and her family and how
19 protective they were of the fraud, do you think for one second
20 they would put someone in charge of an offshoot firm, their
21 second franchise, who they did not think was going to give them
22 assurances that nothing would happen, someone who was not
23 involved in the fraud? That would be a crazy risk, a crazy
24 risk for a firm that told them don't talk on the phone, don't
25 talk to strangers, shred documents, to then put someone in

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E4aWliu6

Rebuttal - Mr. Boone

1 charge of a firm that they send a hundred cases to. And they
2 told you the purpose of opening up that firm was to perpetuate
3 the fraud. They would never put someone in charge of that firm
4 who was not in on the conspiracy. Because what if they paid
5 attention, what if they found out what was going on and they
6 said something, the whole fraud would be ruined. That's why
7 she was put in charge. Just like her friend Troy Moslemi's
8 name was used, it's the same reasoning, another piece of
9 evidence that shows she knew exactly what was going on and she
10 was complicit.

11 Now, I want to talk a little bit more about the fact
12 that she had no idea what was going on in the firm. First of
13 all, her firm was much smaller than Moslemi's firm. You heard
14 testimony maybe four or five people worked at that firm. There
15 were actually fewer people at that firm than are sitting over
16 there, No. 1. Not a big firm.

17 No. 2, fraud was rampant. You heard testimony about
18 items that were seized from that firm, items that were clearly
19 fraudulent, asylum stories that were already written except for
20 the name of the applicant, asylum stories that were already
21 written except for the name of the loved one to be filled in
22 later. Clearly fraudulent, and you also saw for yourself a
23 document that Vanessa Bandrich herself edited.

24 In fact, Ms. Geier, could we see Government Exhibit
25 416, please.

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E3p01iu4

Person - direct

1 through 302K.

2 A. Okay.

3 Q. Do you recognize those items?

4 A. I do.

5 Q. What are they?

6 A. They are items that were seized at the location that day.

7 Q. And how do you recognize them?

8 A. Approximately 10 days ago, I met with one of the case
9 agents on this case, Christopher Degraff at the FBI offices
10 here in Manhattan. And he presented me with two of the boxes
11 we seized that day. I opened those boxes, removed these items,
12 and brought them over to the United States Attorney's Office
13 where I placed government exhibit stickers on them, which
14 included my initials, the item number, and the room number of
15 where the item was found.

16 MR. BOONE: Your Honor, the government offers into
17 evidence government exhibits 300, 301, 302, and 302A-3302K.

18 THE COURT: Any objection?

19 MR. FISCHETTI: No.

20 THE COURT: They will be admitted.

21 (Government's Exhibits 300,301,302,302A-3302K received
22 in evidence)

23 MR. BOONE: I want to first start off by talking about
24 government exhibit 300.

25 And talking about that, Ms. Geier, if you could put

E3p01iu4

Person - direct

1 up -- yes, thank you. And Ms. Geier, if you could now put up
2 government exhibit 300T and zoom in a little bit. And it might
3 be if we could actually just zoom in on the first five lines
4 there.

5 Q. 300T is a translation of government exhibit document 300.
6 If you could read what's been highlighted, so that's numbers
7 one through five.

8 A. Title is Basic Knowledge about Christianity.

9 One, what is the Bible. The Bible is the word of God,
10 a covenant between God and man.

11 Two, how many parts can the Bible be divided into.

12 Two parts, the Old Testament and New Testament.

13 Three, what are the first five books of the Old
14 Testament. They are known as the Pentatuch, which consists of
15 Genesis, Exodus, Leviticus, Numbers, and Deuteronomy.

16 Four, what are the first four books of the New
17 Testament, and what is the last one. They are called the
18 gospels. The first book is known as the Gospel of Matthew,
19 followed by the Gospels of Mark, Luke, and John. And the last
20 one, which is also the last book of the Bible, is the book of
21 Revelation.

22 Five, what are the differences between the Old and New
23 Testament. The old testament describes things that happened
24 before Jesus was born, whereas the New Testament tells the
25 story of the life of Jesus. The Old and New Testaments take

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E3p0liu4

Person - direct

1 the birth of Jesus as the dividing line.

2 MR. BOONE: And, Ms. Geier, if you could, now, on that
3 same. Exhibit 300T, focus on the lines that are numbered 14
4 through 16.

5 And could you read what those lines say, Agent Person?

6 A. Fourteen. What are the Christian holidays. Christmas and
7 Easter. Christmas is on December 25 of each year. And it's to
8 celebrate the birth of Jesus. There is not a determinant time
9 for Easter. Generally, it is in March and April, but it is on
10 Sunday. The holiday is to celebrate the resurrection of Jesus.
11 In 2009, Easter is on April 12. Check what day it is this
12 year.

13 Fifteen, how many books does the Bible have, and how
14 many chapters. The Bible has 66 books, which are divided
15 into the Old Testament and New Testament. The Old Testament
16 has 39 books, and the New Testament has 27 books. The total
17 number of chapters is 1,189.

18 Sixteen, how many authors wrote the Bible? Over 40
19 including, prophets, kings, scholars, doctors, and fishermen,
20 et cetera.

21 MR. BOONE: And Ms. Geier, lastly, if you could
22 highlight the lines numbered 24 through 26 on government
23 exhibit 300T.

24 Q. And if you could read those, Agent Person.

25 A. Twenty-four who is Moses? He was a prophet who wrote the

E3p0liu4

Person - direct

1 five books of Moses. He was the leader of Israelites and led
2 them out of Egypt. He was a lawgiver. Through him, God gave
3 the 10 commandments. Moses lived 120 years.

4 Twenty-five, where were the 10 commandments written.
5 God wrote them on the stone tablets by hand.

6 Twenty six, what are The Ten Commandments? They are
7 the laws given by Jehovah to the Israelites, including: One,
8 you shall have no other gods before me; two, you shall not make
9 for yourself a graven image; three, you shall not take the name
10 of the Lord, your God, in vain; Four, remember the sabbath day
11 to keep it holy; Five, honor your father and your mother; six,
12 you shall not kill; seven, you shall not commit adultery; eight
13 you shall not steal; nine, you shall not bear false witness
14 against other people.

15 Q. And now moving to, if you could look at government
16 exhibit 301. And, Ms. Geier, if you could also publish
17 government exhibit 301T, and Agent Person, if you could read
18 301T.

19 A. In countries in South America and Central America, it is
20 easy to find out, it may be found out. Except for Venezuela
21 and Cuba and Argentina, it is not that easy to find out.

22 Q. And if we can now look at government exhibit 302A. And.
23 302A-T.

24 MR. BOONE: And for 302A-T, Ms. Geier, if you could
25 show us the second page in that document. Thank you.

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E3p01iu4

Person - direct

1 Q. Agent Person if you could read the second page of 302A-T.

2 A. Seal Fujian August 5, 2010. 15. Fujian.

3 Delivery. Three. Printed by Fujian Province Post and

4 Telecommunication Printing Factory, telephone 0591-87316090,

5 GB/T1416-2003, DL printed in July 2009, 100,000 copies,

6 manufactured under the supervision vision of the Fujian

7 Province Postal Administration, Min Fujian Postal 2005,

8 Envelope Supervision Code 35-1001.

9 Q. Thank you. And if we can turn to government exhibit 302B.

10 And 302B-T, if you could read 302 B-T into the record, Agent

11 Person.

12 A. Fujian Province, Lang Jang County, Twan Chi Christian

13 Church, telephone 26276330, Postal Code 350501, Fujian Province

14 Lang Jang County, Twan Chi Christianity church seal.

15 Q. And if we can now look at government exhibit 302I, and.

16 302I-T.

17 MR. BOONE: And Ms. Geier, if you could focus in on

18 the first box of 302I-T. And Agent Person, if you could read

19 that box from 302I-T into the record, please.

20 A. Cash receipt number 006-2385. Attachment. Pages. Date.

21 Year. Month. Day. Payer, entity, or individual. Items paid

22 for. Ren Mindy, amounting words, no. Copy to receipt. Pays

23 company seal. Received by. Paid by. Seal. Fu Shu. Jing

24 Qiao Garden Properties Management Company, Limited. Special

25 finance seal.

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E3p0liu4

Person - direct

1 MR. BOONE: And, Ms. Geier, if you could now show us
2 all of 302I and all of 302I-T. Go back to the first page.
3 Perfect. If you could go back to the first page of 302I and
4 302I-T.

5 Q. Agent Person, does 302 I appear to be filled out with any
6 information?

7 A. It does not.

8 Q. If we could look at 302J and 302J-T, okay.

9 MR. BOONE: And Ms. Geier, if you could focus in on --
10 perfect.

11 Q. If you could read, Agent Person, from 302J-T right up until
12 there is a long dashed line across the printed page.

13 A. The Second People's Hospital of Fujian Province. The
14 second affiliated hospital of Fujian University of traditional
15 Chinese medicine. Outpatient medical records. MM1052070.
16 Name, sex, date of birth, address, work location, occupation,
17 ethnicity, marital status, telephone number, name of child's
18 parents, records of drug allergies, 1, 2. Category of payment.
19 Preventional health insurance, municipal health insurance,
20 other.

21 Q. And if you could just read those two lines underneath that
22 dash.

23 A. Address, 13 Branch Hudon Road, middle section of Woosy
24 Road, Fuzhou City, Fujian Province, 350003, website.
25 www.fjhospital.com.

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E3p0liu4

Person - direct

1 Q. And lastly if we can look at government exhibit 302K and
2 302K-T. And Agent Person, if you could just read the writing
3 on 302K-T, top of the page.

4 A. Fuzhou Key Ming Food Trading Company. Number 0001382
5 received by date, year, month, day. Item. Quantity. Unit
6 price. Amount.

7 Q. And if you could just read below that grid, two lines
8 listed there.

9 A. Where it says address?

10 Q. Correct?

11 A. Address, Building 14, Store number 42-43, Fuzhou My Way
12 Straight Aquatic Products Trading Center, telephone
13 0591-83659465.

14 Q. Now, moving away from the documents.

15 Prior to participating in this search, had you had any
16 involvement in the investigation of the Moslemi law firm.

17 A. No, I did not.

18 Q. And after conducting the search, did you have any further
19 involvement in the investigation of the Moslemi law firm?

20 A. No, I did not.

21 MR. BOONE: No further questions, your Honor.

22 THE COURT: Cross-examination?

23 MR. FRANZ: Yes, your Honor.

24 CROSS-EXAMINATION

25 BY MR. FRANZ:

E3pWliu5

T. You - direct

1 MR. FISCHETTI: I didn't hear his answer.

2 THE COURT: Can you repeat your answer, please.

3 THE WITNESS: Can you say the question again.

4 BY MR. EGAN:

5 Q. I asked whether it surprised you when you saw Julie working
6 on these false asylum applications.

7 A. Yes, that was big surprise to me.

8 Q. That was a big surprise to you?

9 A. Yes, actually make me very uncomfortable.

10 Q. To be clear, the asylum application you filed, was that a
11 real asylum application or a fake one?

12 A. These are real.

13 Q. When you applied for asylum, did you use an immigration
14 lawyer?

15 A. I use a criminal lawyer with, who is not specialize in
16 immigration law.

17 Q. Did you write out a personal statement?

18 A. No.

19 Q. Why not?

20 A. Because my lawyer didn't know I should write personal
21 statement. So basically just two sentence on page five of that
22 application, and he mentioned a lot about my parents. He say
23 my parents got asylum, my young brother got asylum, so I didn't
24 have story.

25 Q. So there was no story attached to your application?

E3pWliu5

T. You - direct

1 A. Just two sentence, like -- actually, that's my wife's
2 application. I get, I was aborted and for violating
3 family-planning policy, as simple as that.

4 Q. I'm sorry. Can you say that one more time?

5 A. I forget exact wording. Just two sentence like I get
6 pregnant and I was forced to receive abortion for violating
7 family-planning policy.

8 THE COURT: This is your wife's application or yours?

9 THE WITNESS: My wife's because I don't have
10 individual claim. I'm derivative asylum.

11 THE COURT: Of your parents.

12 THE WITNESS: No. My wife.

13 BY MR. EGAN:

14 Q. You said derivative asylum?

15 A. Yes. My wife was persecuted. I was not.

16 Q. So you applied as part of her application?

17 A. Yes.

18 Q. Did you tell anyone at Ken Giles's firm about your asylum
19 application?

20 A. No.

21 Q. Why did you leave, well, let me ask you this. Did you ever
22 end up writing stories at Ken Giles?

23 A. No, I didn't get a chance.

24 Q. What do you mean you didn't get a chance?

25 A. Those kind of privilege for Julie and Julie didn't want me

510

E3p0liu6

You - direct

1 A. Roughly, March 2010.

2 Q. During your two years in the firm, approximately how many
3 asylum applications did you work on in any of those capacities?

4 A. Hundreds.

5 Q. Hundreds, you said?

6 A. Hundreds.

7 Q. Of those that you worked on at Feng Ling Liu's law firm,

8 how many would you say were real, meaning they stated a real

9 claim for asylum based on actual events?

10 A. I believe less than 20.

11 Q. Less than 20?

12 A. Yes.

13 Q. And of the ones that you worked on, of those 20 that were
14 based on actual events, did people at the firm change them in
15 any way?

16 A. Yes. Change the real case.

17 Q. You would change the real ones, as well?

18 A. Yes.

19 Q. And why would you change the real ones?

20 A. For many different reasons.

21 The first reason is sometime the client has real case,
22 but the persecution happens many years ago, 15 or 20 years ago.
23 And if they file political asylum to the immigration and
24 immigration will say, okay, happened a long time ago and you
25 didn't have any other things happen after persecution and the

513

E3p01iu6

You - direct

1 imagination. But it is impossible for us to go through them
2 and delineate. And I know the government doesn't plan on
3 reading the transcripts from end to end, but I think we should
4 know in advance.

5 THE COURT: Are you asking about what is going to be
6 admitted.

7 MR. FRANZ: Yes.

8 THE COURT: Or what they are seeking to discuss?

9 MR. FRANZ: Well, whatever they plan to admit. If
10 they are going to admit the transcripts, if they are trying to
11 get the transcripts in as a whole, there is clearly statements
12 in there that are hearsay. They shouldn't come in as a whole.
13 I think they should identify the portions that are relevant and
14 admissible, as opposed to the entirety of the transcript.

15 THE COURT: This is something that should have been
16 raised in limine if you were seeking to, you know, if you are
17 seeking to redact some of the transcripts.

18 And what's the government's position?

19 MS. MERMELSTEIN: The government is intending to offer
20 the entirety of the transcripts. We are certainly not
21 intending to read the entire transcript to the jury. But I
22 think the government's view is that virtually all of the
23 transcript is admissible statements of co-conspirators in
24 furtherance of the conspiracy. There is absolutely
25 introductory conversations at various points, there is ordering

517

E3p0liu6

You - direct

1 to arrange for false documents. The provider in China, among
2 other things, expressed recognition of the Feng Ling Liu law
3 firm as having provided fake documents to many of their
4 clients. And it is the government's view that, in light of the
5 provision of that person's information by a member of the
6 conspiracy, in furtherance of the conspiracy, to get fake
7 documents to further the false application, is part of the
8 conspiracy.

9 MR. GERMAN: I was gonna make that --

10 MR. FISCHETTI: You are talking about that
11 conversation with China. I was going to make the same
12 objection, your Honor, on the basis that it's not a
13 co-conspirator statement. He is not a co-conspirator. And I
14 don't think there is going to be sufficient evidence that he is
15 a co-conspirator, the person in China.

16 I have looked at the conversation very, very
17 carefully. And it appears to me, if your Honor sees the
18 conversation, that the person who was talking here -- and I
19 think that's Lin Chen, the person in China basically gives the
20 name of the law firm to this person. And then this person
21 says -- and I'm just paraphrasing -- yeah, I'll send the
22 documents, the phony documents there. I don't think there is
23 enough independent evidence to show that the person in China is
24 a member of the conspiracy. And if he is not, then that can't
25 come in, because it's hearsay.

E3p0liu6

You - direct

1 MR. FISCHETTI: I understand that. But the point is,
2 I think that's evidence that they may not have given her that
3 number, which we contend, from speaking to our witnesses, that
4 we -- she never got the number from us. She had the number
5 because she knew it. She had cooperated on any number of
6 cases. And now in attempting to cooperate in a greater extent,
7 she is calling them and saying she got the number from the
8 firm. And we contest that, Judge. And I know I can contest it
9 before the jury, and I will. But I think it's an issue that
10 your Honor has to decide as to whether or not that person is a
11 member of the conspiracy by a preponderance of the evidence.
12 That she called. So where is the card?

13 MS. MERMELSTEIN: We don't have the card. I think
14 that if defense counsel wants to cross-examine the witness on
15 the fact that the government doesn't have the card, that's
16 fine. As I understand it, the card was lost after the witness
17 gave it to the FBI. But it's not totally clear. But I think
18 the point is the witness is going to say I got a card and I
19 called the number on it.

20 If you want to cross-examine her on where is the card,
21 I think that's completely fair. But it is also completely fair
22 for the government to say you should rely on the witness saying
23 she called this number based on the conversations she had with
24 this defendant.

25 MR. FISCHETTI: On the basis of the proffer, your

540

E3q0liula

T. You - direct

1 Miao's.

2 A. Yes.

3 Q. And you also said Lucy, who is Lucy?

4 A. Lucy is the young -- Lucy is the sister of Feng Ling Liu.

5 Q. And who were some of the other people who they would have
6 this initial meeting with?

7 A. Andy is also from Feng Ling Liu's family, but I don't know
8 the exact relationship between them. And, yeah.

9 Q. Would they ever meet with Feng Ling Liu?

10 A. Yes. I mentioned her name just now.

11 Q. Say that again?

12 A. I mentioned her just now.

13 Q. Oh, I'm sorry.

14 How is it determined who, of those people, would meet
15 with the client?

16 A. It usually depend on availabilities.

17 Q. Depends on availability.

18 A. Yes.

19 Q. Where would those meetings typically take place.

20 A. Take place in various place. Depends on where they sit.
21 Typically.

22 MR. EGAN: Ms. Geier, can we put up government
23 exhibit 600.

24 Q. Okay. So when David Miao had these meetings, where would
25 they typically take place?

541

E3q0liula

T. You - direct

1 A. If David Miao was in the office manager's room, so it was
2 E 1. But sometimes David Miao is in Feng Ling Liu's room so it
3 is L. And Feng Ling Liu would deal with client in her -- no,
4 I -- sorry, I --

5 Q. So I just want to clarify. So David Miao sometimes met in
6 E?

7 A. E or I, yes. And Feng Ling Liu would meet client in I.
8 And, Lucy, later on, take -- took place office manager's room,
9 so is also E. And Andy, G 1.

10 Q. At G 1?

11 A. Yes.

12 Q. In your time working there, were you able to hear any of
13 these meetings as they took place?

14 A. Yes, because, later on, I -- I moved to G3, so I can
15 overheard the conversation between Andy and the clients. And
16 when I was storywriter I can overheard the conversations
17 through the door in I.

18 Q. Would those meetings typically be held, in I, with the door
19 open or closed.

20 A. Most time open, I believe.

21 Q. Most times open?

22 A. Yes.

23 Q. So how long were these meetings, typically?

24 A. Not very long. I think probably 15 minutes, or half hour,
25 at the most.

E3q0liula

T. You - direct

1 Q. What sort of information was typically discussed?

2 A. At first, we would ask them their background, such like
3 their age, their marital status, and their educational level,
4 this kind of thing. And, then, we would ask them about the
5 one-year issue.

6 Q. The one-year issue?

7 A. Yes.

8 Q. What do you mean they would ask about the one-year issue?

9 A. Because one year, under asylum law, there is one-year
10 requirement. You have to file it, asylum application, within a
11 year you, you came to United States. After that, is very hard
12 for you to win the case, even though sometimes you have real
13 claim. So, usually, we ask them, do you have any evidence to
14 prove you came from the United States within the year, or if
15 you have any evidence of proof that you are not in United
16 States within a year.

17 Q. So dealing with the first one, you say if they have any
18 evidence that they have been here within a year, what kind of
19 evidence might that be?

20 A. Those evidence would be a year, some clients they have real
21 passport, they have real visa issued by US Embassy or
22 Consulate. Or sometime they have visa issued by other
23 countries, for Latin American countries, or south eastern Asia
24 countries. To prove they have been to that country. Or they
25 have stamp like date of entry, or date of leaving, this kind of

E3q0liula

T. You - direct

1 evidence to prove they came to United States within a year.

2 If they don't have this kind of evidence, we ask them
3 do you have any evidence to prove they are not in United
4 States. And like we will mention couple of things, like do you
5 have, for example, have you lived in hotel in China in last two
6 months period. Live in hotel, or have you -- anything can
7 prove you that you are not in United States in the last two
8 months. Or, also, we would ask them, do you have any records
9 in the United States.

10 Q. When you say records in the United States, what sort of
11 records are you talking about?

12 A. Because many of my clients, many of our clients, came to
13 United States more than a year. Many of them are undocumented
14 aliens. So we don't know when they came exactly. But if they
15 have record, for example, they get arrested, they went to
16 hospital, they have baby, they get married, this kind of
17 evidence, we will prove they come here more than a year.

18 Q. So let me ask you about the first scenario.

19 What if someone didn't have either of the first types
20 of evidence you are describing, either evidence that they have
21 been here for when they got here, or evidence showing they were
22 outside of the United States, but they didn't have any records
23 like you're talking about, a criminal record or stuff like
24 that, what would what would the office's response be at that
25 point?

E3q0liula

T. You - direct

1 MR. FISCHETTI: Objection.

2 MR. MAHER: Objection.

3 MR. GERMAN: Objection.

4 THE COURT: Sustained.

5 BY MR. EGAN:

6 Q. If someone had no records establishing that they had been
7 in the United States for more than a year, what would the
8 office do?

9 MR. FISCHETTI: Objection. As to "office."

10 THE COURT: What office, which office?

11 MR. EGAN: The Feng Ling Liu law firm.

12 THE COURT: I'll allow it.

13 MR. FISCHETTI: I object, too broad, Judge. Many
14 people are in the office.

15 MR. MAHER: Objection.

16 THE COURT: You can answer, based on your experience.
17 If there was one normal response of the different people of the
18 office, why don't you talk more specifically about --

19 THE WITNESS: Okay.

20 THE COURT: -- who would do what.

21 A. In this circumstances, the people who deal with the client
22 will also address them, you must provide evidence from China to
23 prove that you are not -- at that time you are in China in the
24 last two-months period. And, also, you should find someone who
25 can, back to China in the last two months and meet you over

E3q0liula

T. You - direct

1 there. That is called one year witness.

2 Q. And this was advice given to clients who said they had been

3 here more than a year?

4 A. Yes.

5 Q. What other sort of things -- you mentioned basic

6 information, the one-year issue. What other information was

7 discussed at this preliminary meeting?

8 A. About a claim.

9 Q. About their claim?

10 A. About the asylum claim, what kind of asylum claim they

11 would pursue with us.

12 Q. Who would initiate that conversation?

13 A. It depends. Sometime the client has already made up their

14 minds. For example, they say, okay, I -- I have been to church

15 for a period of time, and my friend told me Christianity claim

16 is much easier, so I want to do a Christianity claim.

friend suggest their claim. no David, Karen.

17 Some of them say okay I working in other state far

18 away from here, impossible for me to come.

19 Q. Can you say that last thing slower?

20 A. Oh, sorry.

21 And some client say I living in another state, very

22 far from here, is impossible for me to go back to church very

23 often, so I would choose family planning.

24 And some client say, okay, I'm really uneducated, and

25 it's hard for me to understand all of those Christianity

Client decided their claim by their own choice. not Karen or David

E3q0liula

T. You - direct

1 knowledge, so I would choose falun gong. It's very -- and
2 sometime we will give them suggestions, based on their
3 background.

4 Q. What sort of suggestions would be given?

5 A. Based on their age, their marital status, and sometimes
6 based on case law, we will suggest them what kind of claim is
7 suitable for them.

8 Q. Can you give an example of what might be suitable to
9 someone based on that information?

10 A. Usually, for young people who receive high school
11 education, we will suggest them to go after the Christianity
12 claim, because they can read, they can understand, they can
13 learn those Christianity.

14 And for the people who are married, and we suggest
15 family planning.

16 And for uneducated people, we will suggest, probably,
17 falun gong.

18 And, just now I say case law, because for those male
19 applicants who want to apply, family planning change over
20 times, because the case law change all of the times.

21 When I was in the law firm at first, the male
22 applicant can say, okay, something happened to my wife and I
23 want to apply for asylum and they would grant asylum based on
24 their wife's persecution. But later on, the immigration court
25 changed the case law, they say, okay, there is nothing happened

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E3q0liula

T. You - direct

1 to you, there is no physical harm to you. And later on for
2 male applicant who want to apply for asylum on the ground of
3 family planning, and we will just wait to do so. If they
4 really want to do so, we will add something in their story that
5 happens to the male applicant himself. We'll say they struggle
6 with the family planning officer, they fight with them, they
7 escape from them, this kind of thing. To prove they are
8 persecution or future fear.

9 Q. That is an example of something that would be added, based
10 on case law?

11 A. Yes.

12 Q. Just quickly, you also mentioned that many of the clients
13 lived outside of New York. Working at these firms, what is
14 your understanding about where you are supposed to file your
15 application?

16 A. Basically, immigration law, you should file application
17 based on where you are living. But the client usually choose
18 New York because New York Immigration Court has most liberal
19 judge and highest passing rate. And, we are here and we don't
20 want to go to other state very often to represent clients.

21 Q. When you say and "we are here," you mean the law firm is
22 here?

23 A. Yeah, the law firm is here.

24 Q. In your time at the law firm, did you ever deal with
25 clients who lived outside of New York?

E3q0liula

T. You - direct

1 A. Many of our clients living outside of New York.

2 Q. When you say out of New York, what sort of places did your
3 clients come from?

4 A. Virginia, North Carolina, Oklahoma, Chicago, Ohio.

5 Q. And in circumstances when you were dealing with someone
6 from one of those states, what advice would you, the firm -- or
7 what would you give, what advice would you give them?

8 A. I will tell them, give me your address from New York,
"I" not David or Karen.
9 otherwise you cannot get into the court here. And they will
10 find address from their friend or their family member who has
11 address in New York. And our -- I also tell them to find a
12 stable address, because you will receive the immigration
13 court's or immigration bureau's notice to the address. You
14 cannot find another address, otherwise you will lose those
15 notifications and you will miss the court date.

16 Q. So, in addition to the basic information and sort of what
17 claim to pursue, what other information was discussed, if any?

18 A. Payment.

19 Q. Payment. What is -- how was -- how did clients at Feng
20 Ling Liu, what was the typical payment arrangement?

21 A. We have three type of payment. The first type is.
22 1,000/9,000 pay schedule. The client will give us 1,000-dollar
23 non-refundable legal fee to initiate the case. And if the
24 client win the case, at any level of the process, the client
25 will pay us another 9,000.

E3q0liula

T. You - direct

1 Q. So that was one. Now, you said that's nonrefundable?

2 A. Yes. Even the client lose the case, we would not return.

3 Q. But, then, if they did win, they get 9,000 more?

4 A. Yes.

5 Q. And you mentioned two other kind?

6 A. Another one is 5/13,000. The client would give us 500
7 deposit to initiate a case. And the -- if the client win the
8 case, and he will pay us 13,000 additional. And if a client
9 lose, we will return the 500.

10 The last one is step-by-step. Client pay us certain
11 amount of money to initiate the case. And another portion
12 before the interview. And another portion before the master
13 hearing. Another portion before the individual hearing.

14 Q. In your experience, which of those pay structures was the
15 most popular with clients?

16 A. The first one, 1,000/9,000.

17 Q. Which was the least popular?

18 A. Last one.

19 Q. You said the last one?

20 A. Yes, the step-by-step schedule.

21 Q. In your experience, how many people did the step-by-step?

22 A. I barely remember, I don't. Quite few, I guess. I

23 usually, I don't ask what type schedule they choose, but I

24 don't remember anyone who choose that schedule.

Don't ask, don't know, don't deal. not right to testify about it.

25 Q. Outside of the discussion of what claim they should pursue,

550

E3q0liula

T. You - direct

1 based on your hearing of these meetings, were the details of

2 someone's persecution discussed at these meetings?

3 A. No.

4 Q. And, again, how long would this meeting typically take
5 place?

6 A. Very briefly. 15 minutes, or to half hour. Many client,
7 they made up their minds to choose us to represent them, so. I
8 think. But most of the time just money issue is the -- the

9 most important issue in the conversation, I guess.

don't know what the meeting about, just guess. where is the fraud.

10 Q. It was mostly just the money issue at the first meeting?

Can not ask Victor keep on guess.

11 A. Yes.

12 Q. And these were meetings that the office managers had?

13 A. Not always office manager, but it must be someone from
14 their families.

15 Q. When you say from their family, who do you mean?

16 A. From Feng Ling Liu's family, or David Miao's relative.

17 Q. Including David Miao and Feng Ling Liu?

18 A. Yes.

19 Q. So you mentioned some advice. Were there specific asylum
20 claims that the firm specialized in?

21 A. I wouldn't say specialized. In most of cases, we deal with
22 Christianity, family planning, and the falun gong.

23 Q. So going with Christianity what would be a typical claim
24 based on Christianity that your firm would initiate?

25 A. Someone joining underground church in China and discovered

551

E3q0liula

T. You - direct

1 by Chinese government and persecuted by Chinese police officer.
2 They escape, they went to United States, they went to the US
3 church, and they want to apply for asylum.

4 Q. Okay. And with respect to family planning, what would be a
5 typical family planning claim?

6 A. There are various types of family planning.

7 For married couple, some of them they say, okay, I
8 have one child. And I want more children, but under Chinese
9 family planning policy, you can only have one. And they decide
10 to get abortion. And the abortion was discovered.

11 And another type is, okay, they -- they don't have
12 marriage, but they have boyfriend or girlfriend and the
13 girlfriend get pregnant and was discovered because they are not
14 married, or if either they are under age, or this kind of
15 thing.

16 Q. Okay. And, again, I'm going to ask you again to remind you
17 to you speak a little more slowly.

18 Falun gong, what would be a typical falun gong claim.

19 A. Falun gong claim is someone who has certain illness and is
20 very hard to cure by --

21 Q. Did you say they have an illness?

22 A. Yes. That's usually the reason they practice falun gong in
23 first place. They have illness. And is very hard to cure by
24 medical ways. And they, through some person to learn falun
25 gong. Falun gong is kind of Chinese rendition of movements,

E3q0liula

T. You - direct

1 like yoga. And their health getting better. But in China, the
2 falun gong is perceived as an evil cult, so they werer
3 discovered by Chinese government, they were punished, they
4 left, they came here, they file asylum.

5 Q. Now, in your experience in the meetings that you overheard
6 of this type, did you typically hear applicants discuss whether
7 they had an actual claim?

8 A. We do have certain -- we do have few clients who has real
9 claim.

10 Q. And that would be discussed at these meetings?

11 A. The client would mention, say, okay, I -- I really have
12 claim, I really get abortion, I really get sterilization, and
13 this kind of matter. But I don't think they discussed detail,
14 because usually the client would discuss this kind of detail
15 with storywriter, the people who interview them.

16 Q. You said you had some of these -- of the asylum
17 applications you worked on in the firm.

18 How many would you say were legitimate?

19 A. The case I deal with, less than 20.

20 Q. Less than 20 percent? Or 20 total.

21 A. Twenty cases.

22 Q. Twenty cases.

23 Now, after this initial meeting, what was the -- where
24 would the applicant go?

25 A. The applicant will be taken to us, to our storywriters.

555

E3qWliu2

T. You - direct

1 A. Yeah, basically like that. One-page-long disclaimer.

2 Several paragraphs, both in Chinese and in English.

3 Q. Given what you were doing, would any client ever ask you
4 about this?

5 A. Yes. Actually couple clients, they were confused because
6 they say, okay, I came here to ask you to write a fake story
7 for us and why you give us this kind of document to sign.

8 Q. Can you slow down a little bit, please?

9 A. Sure. The client say I came to office to ask you to write
10 a fake story for me and you ask me to sign these kind of
11 documents to say I would not write a fake story, and usually
12 our storywriter would explain to them that's a requirement
13 imposed by immigration bureau and every law firm has to do
14 that.

15 Q. Based on your knowledge, was that a requirement of the
16 immigration bureau?

17 A. No. That's our internal policy.

18 Q. So after they signed the disclaimer and the G28, what other
19 forms, if any, would you have them sign?

20 A. And there's also affidavit both in Chinese and English.
21 The client promise everything he said is true and whole truth,
22 nothing but truth, something like that, and he's aware of, he
23 would be punishable if he or she gave us a fake, fake statement
24 or fraudulent case.

25 Q. After these forms were signed, what would happen next?

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E3qWliu2

T. You - direct

1 A. And I will give them evidence list based on their claim.

2 We have evidence list for different kind of claims so if they
3 are falun gong, I would give them falun gong. If they are
4 Christianity, I would give them Christianity evidence list.

5 And I would check the things I need on the list and tell them
6 what they need to provide to me, and --

7 Q. We'll get to the evidence list in a second. But you'd give
8 them the evidence list, they've signed the forms, what's the
9 next step?

10 A. Next step, and I would begin writing story but usually not
11 at the same time unless the clients wrote it urgent.

12 Q. Urgent?

13 A. Yes.

14 Q. So prior to writing the story, what details, if any, would
15 you get from them?

16 A. In the beginning, I tried to make my story more truthful
17 and trustworthy.

David and Karen never give you any instruction to make fake story.

18 Q. You said truthful and trustworthy?

19 A. Yes.

20 Q. So --

21 A. I will ask.

22 Q. I want to stop you there. You said in the beginning I

23 would try to make my story more truthful and trustworthy. In

24 the beginning of what?

25 A. In the beginning of my employment.

E3qWliu2

T. You - direct

1 Q. When you first started at Feng Ling Liu law firm?

2 A. Yes. And I tried to incorporate some true things happen in
3 their life, in their story.

4 Q. What sort of things?

5 A. Like about their childhood and their parents, their school
6 life, what some terrible thing happened in their life. Then I
7 would use that kind of thing as the reason why someone
8 converted to a Christian.

9 Q. So you would use the thing from their real life to explain
10 why they converted to Christianity?

11 A. Yes, but later on, my stories pretty too long and some of
12 my coworker complained, and they said okay, because too long,
13 spend a long time for translation and spend a long time for
14 preparation, in future, and the client would answer more
15 questions during the trial, during the immigration interview,
16 and then I just make them more brief, and we have samples and
17 then I use samples more often.

18 Q. Going back, in this discussion, you would try to get some
19 personal details from them?

20 A. Yes.

21 Q. Would you ever discuss the facts of the persecution?

22 A. Because most of time our client don't have persecution, so
23 I would skip that.

24 Q. You would skip that?

25 A. Yes.

E3qWliu2

T. You - direct

1 Q. Let me ask you this. If you would skip that, where would
2 you get the information for the part of the story that dealt
3 with persecution?

4 A. Because we have sample and we also have kind of
5 story-writing instruction prepared by Harry.

6 Q. When you say Harry, who is Harry again?

7 A. Harry Liu. And I know I don't need to reference to sample
8 writing because I'm really fluent in writing those stories; I
9 just wrote it.

10 Q. You mentioned that initially your stories were too long?

11 A. Yes.

12 Q. I think you mentioned coworkers complained. Which of your
13 coworkers complained about them?

14 A. I believe Feng Li complained a couple times.

15 Q. Feng Li?

16 A. Yes.

17 Q. What was Feng Li's role at the firm?

18 A. Attorney.

19 Q. What was his complaint?

20 A. He says I make things more complicated and you made client
21 answer more questions at trial in future. So that's not good
22 for, that's not in the best benefit for our clients.

23 Q. Now, did anybody else complain that you remember?

24 A. I believe translator Tom also complain to me. He said my
25 story too long and he has to spend more time on translating the

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E3qWliu2

T. You - direct

1 story written by me.

2 Q. Now, you mentioned samples. What were these samples? What
3 do you mean by samples?

4 A. Samples usually is the story of previous clients who had
5 similar background with the clients which I was working on. So
6 I would reference to those old clients' stories sometimes.

7 Q. Were you able to search in the firm's system by type of
8 claim?

9 A. We are not categorized by type of claim. We're categorized
10 by alphabetically, by their name. But I can remember with at
11 least my clients who has similar story with this client, and I
12 will reference these old clients' story.

13 Q. How closely would you track the samples?

14 A. Could you rephrase that?

15 Q. When you used a sample, would you adapt it, would you copy
16 it word for word, would you change it entirely? How closely
17 did you follow the sample?

18 A. Most of time story similar if they are in same category.

19 So I won't say copy and paste, but it's adapted.

20 Q. When you first started at the firm, were you trained by
21 anybody?

22 A. Yes. I was trained by Yolanda Gao.

23 Q. Yolanda who?

24 A. Yolanda Gao.

25 Q. Who was she?

E3qWliu2

T. You - direct

1 A. She was wife of Harry Liu. At that time, she was
2 girlfriend, and she was leaving at that point. But later on
3 she came back.

4 Q. She was leaving?

5 A. Yes. She used to be storywriter. I was taking place her
6 job.

7 Q. Describe how she trained you.

8 A. I remember on the first day she gave me around 50 cases and
9 she also provide a list and give me the current status of each
10 case. Some cases, we haven't done anything. Some cases, we
11 have done something. Some cases, we have written story, but we
12 are still waiting for the evidence. And some from the court
13 and the judge requires more evidence. And at that time, I was
14 sitting in the storywriter's room and Yolanda sat next to me,
15 and when the client came to me and she would introduce client
16 to me and introduce me to the client and briefly let me know
17 what I should do with each client. And while I was writing the
18 story, she would suggest to me which clients, which previous
19 client's story I should reference to.

20 Q. She told you which previous client's story to look at?

21 A. Yes. Basically, yeah, that's the training.

22 Q. Now, when you wrote these stories after getting this sort
23 of personal information, you said you started to write the
24 story, would the client typically be there while you were
25 writing the story?

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E3qWliu2

T. You - direct

1 A. Usually they were not because they were on very tight
2 schedule. Usually they just came to the office and tell us
3 their claim, and they have work to do. And since they have no
4 claim, I can, my job is make them up.

5 Q. Your job is to make them up?

6 A. Yes.

7 Q. What else would you work on at this stage?

8 A. After I finish the story, I will also wrote a couple
9 attesting letters on behalf clients.

10 Q. Attesting letters.

11 A. Yes. That's what we call it.

12 Q. What is an attesting letter?

13 A. Attesting letter is like telling the story from other
14 people's perspective. From their parents, they say, okay,
15 that's what happened to my son, how he was taken by the police,
16 how I bail him out, how much money I spent. This kind of
17 thing. And sometime from the church members, they say I was
18 there, I was also taken, and that's what happened to me and I
19 believe some similar thing would happen to him. And sometime
20 from pastor and say, okay, sometimes our church member, he come
21 to our church regularly, and he make offerings, he was devout
22 Christian, and I was there and I was arrested and I get more
23 punishment because I was pastor. This kind of letter. Or from
24 family planning, from the wife, from the girlfriend or
25 boyfriend, just retell story from another angle.

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E3qWliu2

T. You - direct

1 XXX."

2 THE COURT: Slow down.

3 A. "And I have been Zheng Yunyan's friend for many years.
4 Yunyan is a person who is dedicated to her family. Since a
5 young age, she had been working outside to support the family
6 and had refrained from finding boyfriend. Finally, in 2007,
7 she met XXX who liked Yunyan very much and took meticulous care
8 of her."

9 Q. You can stop there.

10 A. Okay.

11 Q. At the beginning, it says "my name is XXX." Did you ever
12 have occasion to write a letter like that?

13 A. Yes.

14 Q. Why would you use XXX there?

15 A. Because usually the client, when the client first came to
16 me, that's in the daytime, so which means nighttime in China.
17 I ask the, ask them to provide couple names and they are unable
18 to because their family member, their friend was sleeping. So
19 I would say, okay, next time call me and let me know those
20 names, I will leave them open until you give me names.

21 Q. Is that the reason there are a couple places where there
22 are XXXs throughout?

23 A. Yes. The two people's name were blank. The people who
24 write these letter and this applicant's boyfriend.

25 MR. EGAN: We can take those down.

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E3qWliu2

T. You - direct

1 Q. After the letters were written and the story was written,
2 what was the next step in the process?

3 A. I will print them out and give them to Feng Liu or any
4 other Chinese supervising attorney.

5 Q. And dealing specifically with Feng Ling Liu, what would she
6 do with the letters and the story?

7 A. She would review them and make some change and give
8 comments and sometimes she would rearrange story.

9 Q. Starting with the comments, what sort of comments would she
10 give on the story?

11 A. I remember this example, I used to wrote, I used to write
12 Christianity claim, and I use Christian holiday Pentacost, and
13 then Feng Liu comment Pentacost is too hard for our client to
14 memorize. We always use Christmas or Easter.

15 Q. For what sort of day?

16 A. For the Christian holiday in the story, because usually the
17 persecution happen on that day, they have to get together and
18 know they would get together and police came and arrest all of
19 them. And Pentacost, if I use Pentacost which means client
20 know what's Pentacost, what do Christian people usually do on
21 Pentacost. That would be additional burden for the clients.

22 Q. So she would change the day that the event happened?

23 A. Yes.

24 Q. What other comments?

25 A. In the beginning, when I wrote those family-planning cases

E3qWliu2

T. You - direct

1 I was not quite familiar about abortion because I was not a
2 woman, and in our office, we have a colleague who used to be a
3 family-planner official, so they know about abortion more
4 detail than I, so they would make some change to make the
5 abortion part in the story more real.

6 Q. And were there other types of details that she would
7 typically change?

8 A. Sometimes, I was, she change about persecution. Sometimes
9 I, the persecution I wrote is not high enough to meet a
10 standard for the client to get asylum.

11 Q. I'm sorry to cut you off, when you say not high enough,
12 what do you mean by that?

13 A. Because for asylum for the past persecution, you have to
14 prove you have physical harm and sometimes for them slap your
15 face or this kind of harm is not as serious, and that would
16 make the clients not like, not less likely to win their case,
17 if you just say police officer slap me couple times. So makes
18 the persecution more serious. And sometimes we would lower
19 down the persecution because I say, for example, we say client
20 locked up in jail for 30 days or couple months, that would be
21 very hard for the client to explain their jail time before
22 immigration judge, how they spent time over there, what's their
23 cell look like, what they eat every day, how their life was
24 spent every day. So we would lower down to make a couple day,
25 two weeks. Make client easier to answer the question in

E3qWliu2

T. You - direct

1 future.

2 Q. You mentioned a colleague who was a plan family-planning
3 official who would help with the details. Who was that
4 colleague?

5 A. Colleague told me is Lillian.

6 Q. Lillian?

7 A. Lillian Miao.

8 Q. You also mentioned instances where Feng Ling Liu would
9 rewrite the whole story. Under what circumstances would that
10 happen?

11 A. I remember there's one case as David Miao's nephew called
12 Miao Xin. At that time, they gave case to me and Miao Xin want
13 pursue Christianity claim.

14 Q. Did you understand him to have a legitimate Christianity
15 claim?

16 A. No.

17 Q. So what did you do with this case?

18 A. And I just wrote a regular Christianity claim, not too many
19 fancy things in the story.

20 Q. Not too many fancy things?

21 A. Yes, not too many fancy things, just like other clients'.
22 And then I give it to Feng Liu and apparently she was not very
23 satisfied with that story. She said Miao Xin is very clever
24 and she can memorize those Christianity knowledge if necessary,
25 and she can, he can handle that. And usually our client cannot

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E3qWliu2

T. You - direct

1 handle a lot of Christianity knowledge, but some people do.

2 And then he rewrote the story and I remember the big changes.

3 He said Miao Xin went to church since his childhood with his

4 mom. Usually I will not write story like that.

5 Q. Traveled with who?

6 A. Miao Xin's mom. Usually I will not write story in that way

7 because for the client who came to the church since childhood

8 and with his family members, the immigration officer and

9 immigration judge will assume the client know a lot about

10 Christian, Christianity knowledge. They will ask all kinds of

11 Christian knowledge, about Bible, about Christian holiday,

12 about the Jesus, about Passion, all kind of thing. Many client

13 cannot handle that many questions. But Feng Liu changed to

14 that way means he has, she has a very confident, he has

15 confidence in Miao Xin's testimony.

16 Q. Did Feng Ling Liu participate in any other way in the

17 preparation of that application?

18 A. Yes. Later on, Miao Xin told me Feng Liu called him couple

19 times.

20 Q. Let me ask you this. Would she or the other lawyers also

21 comment on the evidence letters?

22 MR. FISCHETTI: I object to the form.

23 MR. EGAN: Okay.

24 Q. Did she comment on the evidence letters?

25 A. Yes.

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E3qWliu2

T. You - direct

1 Q. What sort of comments did she give?

2 A. Just make change according to his change own story. With
3 change story about persecution. You should change the letter
4 about persecution in the same way.

5 Q. Now, after you got those, first of all, would those
6 comments be given to you orally or in writing?

7 A. She wrote them down.

8 Q. By hand or on her computer?

9 A. In writing.

10 Q. Directly on the story?

11 A. What?

12 Q. Directly on the story?

13 A. Yeah. He wrote like crossing something out and add
14 something up in the margin.

15 Q. So what would you do after you got the story and the
16 letters back from Feng Ling Liu?

17 A. I get them back and I make change computer on the screen
18 and print them out and called the client.

19 Q. You called the client?

20 A. Yeah, called in client to come up to write them down.

21 Q. Let me ask you this. While she was making her comments,
22 was the client present in the office?

23 A. Usually not.

24 Q. Would she, in your experience, talk to the client before
25 making any of those changes?

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E3qWliu2

T. You - direct

1 A. No. since miao xin are her relative. They could call each other. They
should discuss their story without your present

2 Q. When you called the client and the client came back, what
3 would happen next?

4 A. The client will write story in their own handwriting on the
5 writing pad and, yeah, that's what they will do. And they also
6 write down the letters and they will mail or fax their letters
7 back to their family and friends in China.

8 Q. Would they do that from the office or from outside the
9 office?

10 A. From outside.

11 Q. Why would they copy the story over in their own
12 handwriting?

13 A. That make their own story. That's our office requirement.
14 But I don't know what exactly, why we do that.

15 Q. After they had copied it, what would you do with the
16 commented-on draft?

17 A. I shred.

18 Q. You shred it?

19 A. Yes.

20 Q. So what would typically happen? The person, you said, sent
21 or faxed the letters to China. What would happen next?

22 A. And the Chinese families or friends will write those
23 letters and mail back to us together with all other evidence.

24 Q. Would that be sent back to the person directly or to the
25 firm?

Attesting person can change, by adding, deleting or modifying the letters. Or not
sent back to us at all, if they choice. It is just suggesting statement.

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E3qWliu2

T. You - direct

1 sometime they would made up even airline tickets, left China,

2 flew one place to another.

3 Q. You said airline tickets?

4 A. Yeah. Domestic airline tickets.

5 Q. Domestic within China?

6 A. Yeah, within China.

7 Q. Now, the people you're submitting these on behalf of had,

8 in fact, been in the United States during that time period?

9 A. Say that again.

10 Q. The people whose applications you're submitting this

11 evidence from, they had, in fact, been in the United States for

12 more than a year, right?

13 A. Yes, more than a year.

14 Q. How would they get the type of evidence that you're

15 describing?

16 A. Their family member in China would made up for them.

17 Q. Make up for them?

18 A. Yes.

19 Q. Would that type of evidence ever be sent directly to the

20 firm?

21 A. Yes. Together with all evidence.

22 Q. Together with all evidence?

23 A. Yes.

24 Q. I'm going to show you what's in evidence as Government

25 Exhibit 302, if I can. If you can look inside that, first of

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E3qWliu2

T. You - direct

1 all, what does that appear to be on the outside?

2 A. You mean on this?

3 Q. Yes.

4 A. That's Express Mail stamp. They say arrival JFK. The
5 place of origin. CN means from China.

6 Q. That's an Express Mail envelope from China?

7 A. Yes, and the date. September 10, 2009.

8 Q. Okay. The documents you have in your hand have each got
9 exhibit stickers on them. If you can hold up an example for
10 the jury, just identify the number you're looking at and
11 describe what it is.

12 A. Okay. The first evidence is Government Exhibit 20 -- 302J.

13 Q. 302J?

14 A. Yes.

15 Q. Do you recognize what kind of document that is?

16 A. That's a medical record.

17 Q. A medical record?

18 A. A blank medical record.

19 Q. Is it a completed one or a blank one?

20 A. Totally, totally empty one.

21 Q. Is this evidence that might be submitted as one-year
22 evidence?

23 A. Yes. The client will write on when the client saw doctor
24 in China within the one-year time frame, what kind of illness
25 he has, what kind of prescription the doctor gave, and tell

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E3qWliu2

T. You - direct

1 immigration judge, officer, okay, I have been to this hospital
2 on certain day and I have illness at that point, to prove
3 one-year issue.

4 Q. You can hold up another. Just put that to the side.

5 A. And another one is --

6 Q. What number is that?

7 A. Government Exhibit 302I. That's payment receipt issued by
8 Fujian Golden Bridge Garden Property Management Company.

9 Q. Again, are those filled in or blank?

10 A. They're all blank.

11 Q. They're all blank?

12 A. Yes.

13 Q. What is that document?

14 A. That's payment receipt, the client will put a date and his
15 name on that, say, okay, on certain date I paid my maintenance
16 to the property management.

17 Q. His maintenance?

18 A. Yes, maintenance.

19 Q. So is that for a property?

20 A. Yes, for property, to prove their one-year issue.

21 Q. Again, you said for the one-year issue.

22 A. Yes.

23 Q. Looking at the other stuff --

24 A. This is Government Exhibit 302B.

25 Q. 302B?

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E3qWliu2

T. You - direct

1 A. A Chinese paper with letterhead Fujian Province, Lei Jin
2 County, Christian church at Chuanshi. I think it's name of
3 place. And telephone number 26276330, telephone number
4 26276330, postal code 35051, and stamp on that with the same
5 letterhead.

6 Q. How would the firm use a document like this for evidence?

7 A. Evidence we use for pastor's letter. Someone would write
8 on this empty paper, say he was pastor of the client, and what
9 happened to the client.

10 Q. And another document there --

11 A. And this document is Government Exhibit 302A, that's empty
12 envelopes.

13 Q. How would these be used?

14 A. To contain the letters. This has three empty letters, so I
15 assume this, based on the Chinese paper, I assume this client
16 is a Christianity claim, so he or she need three letters. So
17 the client give us three envelopes and on back of envelope
18 there, stamp, there is date on that, August 3, 2010.

19 Q. Okay. Is there anything else in the envelope?

20 A. No.

21 Q. Not in the envelopes, not in the exhibit, but in the
22 Express Mail envelope, any other kind of documents?

23 A. Oh, the Government Exhibits 302G and 302F and 302H, 30 --

24 Q. You can just hold those up.

25 A. 302D.

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E3qWliu2

T. You - direct

1 Q. Was that D?

2 A. Yeah, D. 302E.

3 Q. Mr. You, before you go on, what are all those exhibits?

4 A. These are Chinese paper, different type Chinese paper.

5 Q. How would the firm use those?

6 A. These paper is for clients to write the stories, and
7 usually the client will give us the story -- no, not the story,
8 the letters. Usually the letter was written down when they
9 mailed to us, but sometimes they, client's family will give us
10 empty, blank papers. Some of our clients' parents, they are
11 illiterate and some of their parents are not available to write
12 or they don't have friends in China to help them to write, so
13 they would sent to us these empty papers and client will find a
14 friends or relative in United States to write these letters on
15 their behalf.

16 Q. You can put that stuff back in 302.

17 You mentioned family members submitting stuff like
18 that to the firm?

19 A. Yes.

20 Q. What would the firm do with extras?

21 A. We keep them. For example, I keep a whole drawer of these
22 empty papers in case some of our clients who even don't have
23 empty papers, I can give them some.

24 Q. You mentioned one-year evidence. Did anyone ever use a
25 witness to help with the one-year issue?

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E3qWliu2

T. You - direct

1 A. Yes.

2 Q. Under what circumstances?

3 A. They will find someone who went back to China in the last
4 12-months period. The so-called witness will testify in
5 affidavit I knew this client. I went back to China on certain
6 day. I have been China for period of time. I met this guy or
7 this girl in China. During that period of time, we have
8 dinner, we have chat. So I knew at that time he was in China,
9 not in United States, and when I come back, we met again in
10 Chinatown or elsewhere.

11 Q. So this would be an affidavit that a one-year witness would
12 swear to?

13 A. Yeah, he would swear to and notarize.

14 Q. And what?

15 A. Notarize.

16 Q. And notarize the document?

17 A. Yeah, notarize the document.

18 Q. In your time working at the firm, did you ever see what you
19 believed to be a fraudulent one-year witness?

20 A. Yes.

21 Q. What made you think that it was a fraudulent one-year
22 witness?

23 A. Many times, the clients and the one-year witness, they
24 don't know each other. They look very unfamiliar and sometimes
25 the client will address the one-year witness, Mr. Some,

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E3qWliu2

T. You - direct

1 Mr. ABC. Apparently, that's not friends they claim to be.

2 Q. Did you ever see a person serve as a one-year witness for
3 more than one person?

4 A. Yes. There were some one-year witness show up many times
5 to testify for multiple clients.

6 Q. Now, would these affidavits be submitted along with the
7 application, or would they come later?

8 A. They would come later. Usually we don't prepare them for
9 immigration interview and later on for the court. When we
10 submit application, we don't attach visa evidence with the
11 evidence. With application, we will use them in later time.

12 Q. When you sent in the application, what would be included in
13 it?

14 A. Three copy of application. That's it. And a story, and,
15 yeah, a story.

16 Q. The story and the translation of the story?

17 A. Yes.

18 Q. And then the evidence was submitted after that?

19 A. The evidence will also have three copy, and the client will
20 take three copy of the evidence to immigration interview and
21 give to front desk at immigration bureau.

22 Q. The evidence would be?

23 A. Yes.

24 Q. And that would include some of the evidence you've
25 described here today?

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E3qWliu2

T. You - direct

1 A. Yes.

2 Q. Would it also include the one-year affidavit?

3 A. Yes.

4 Q. After everything is submitted, after everything is
5 finalized, I should say, where does it go in the firm next,
6 prior to being submitted?

7 A. We would give to the junior attorney, the first, in the
8 beginning, and later on it's Meng Fei Yu to decide when to
9 submit those applications.

10 Q. And was it always the junior attorney?

11 A. Sometimes other attorney will make the decision, but that's
12 decision made by attorney.

13 Q. And what would go into the decision in terms of when to
14 file?

15 A. Usually it's about one-year issue. If the client, the
16 one-year issue is close and we would submit as soon as we can.
17 Client's one-year issue still have couple months and we are not
18 in rush.

19 Q. I'm going to hand you what is in evidence as Government
20 Exhibits 517, 518, and 519, just some examples of applications.
21 Take a moment just to take a look at those. If you can, look
22 first at 517.

23 A. Okay.

24 Q. Do you recognize Government Exhibit 517?

25 A. Yes.

582

E3qWliu2

T. You - direct

1 Q. What is that?

2 A. That's asylum application with story and translation.

3 Q. How do you recognize it?

4 A. Because this application was prepared and, prepared by me

5 and the client was also coached by me as well. Let me see.

6 Yes.

7 Q. So that was a story you wrote?

8 A. Yes.

9 Q. What sort of claim is it?

10 A. It's a family planning. The client's a female. The client

11 get pregnant before marriage and the pregnancy was terminated

12 by family-planning policy and she came to United States for

13 asylum.

14 Q. Was that story real or fake?

15 A. It's fake because the client doesn't have this type thing

16 happen to her.

17 Q. She didn't have that type of thing happen to her?

18 A. Yes.

19 Q. I want you to look at Government Exhibit 518.

20 A. Yes.

21 Q. Do you recognize that application?

22 A. Yes.

23 Q. What do you recognize, what do you remember about that

24 application?

25 A. I coach her for asylum interview.

583

E3qWliu2

T. You - direct

1 Q. You coached her for asylum interview?

2 A. Yes.

3 Q. And what kind of claim is it?

4 A. It's also a family-planning claim and the clients also have
5 pregnancy before marriage and then terminated and --

6 Q. How do the details of that story compare to the one in 517?

7 A. Detail is similar. They met a boyfriend. They live
8 together. They have, they have sexually intercourse and they
9 get, the client get pregnant, and then she discovered pregnancy
10 and they hide but discovered by family-planning policy and
11 then --

12 Q. And you're saying those are details that are in both
13 stories?

14 A. About this case, I know client's so-called boyfriend was
15 not her boyfriend. It's her cousin.

16 Q. When you say her so-called boyfriend, what do you mean?

17 A. She used the cousin's name as her boyfriend's name because
18 he has, she has no such boyfriend.

19 Q. So the applicant in 518, that's a fake application as well?

20 A. Yes.

21 Q. Looking at Government Exhibit 519, what do you remember
22 about that?

23 A. 519 is another client coached by me for asylum interview.

24 Q. And what do you remember about that applicant? First of
25 all, was that a real claim or a fake claim?

584

E3qWliu2

T. You - direct

1 A. A fake claim.

2 Q. What do you remember about that?

3 A. During the preparation, the client, this client quite
4 different from the others because this client receive a higher
5 education and they come here with valid visa and the client's
6 very demanding. He, during the preparation, we discuss about
7 how to present case, how to tell immigration officer about his
8 persecution because in the story, there are not too many
9 details. So the client say how about this or and how about
10 that and I say, okay, this is good, but this is not. This is
11 kind of the discussion.

12 Q. So you made up the story together?

13 A. The story's prepared by someone else, but we, I made up, we
14 made up the, we made up the testimony before immigration
15 officer.

16 MR. EGAN: I'll take those exhibits back.

17 MR. FISCHETTI: May I know the number of that, please.
18 I'm sorry.

19 MR. EGAN: 517, 518, and 519.

20 MR. FRANZ: The last one.

21 MR. EGAN: 519.

22 Q. To be clear, those applications you looked at, were those
23 the only applications you worked on at the firm?

24 A. No.

25 Q. I want to ask you quickly in terms of your own story. You

585

E3qWliu2

T. You - direct

1 mentioned the term "derivative asylum"?

2 A. Yes.

3 Q. What is derivative asylum?

4 A. Derivative asylum means usually that two applicants, one is
5 applicant, one applicant was persecuted, another one is the
6 spouse of the major, the applicant.

7 Q. Did you ever know anybody at the Feng Ling Liu law firm to
8 manipulate the derivative asylum process?

9 A. Yes. There was one client called Lu Yan. Last name Y-A-N;
10 first name L-U. She is a highly educated woman. She came here
11 with a visa from U.S. embassy, and she came to our office and,
12 and David Miao arranged for her to marriage to other previous
13 client who failed asylum, because we have, we have confidence
14 Lu Yan will pass interview, which means if she pass, she can
15 make petition our previous client her husband become legal
16 under immigration law.

17 Q. And who worked on that case?

18 A. I don't know who wrote story, but I coach Lu Yan and I help
19 Lu Yan get before immigration officer and help win the case at
20 asylum office level. And during the preparation, I remember

21 David Miao and Feng Liu asked me couple times about the process
22 of the preparation and how good she is, how likely she will
23 win, which officer she met, this kind of question. And after

24 she won case, I remember her husband's real wife, the woman who
25 have children with the husband, give me \$30 as a tip for my

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E3q0liu3

1 Q. Were you given any other instructions about why you were
2 going there?

3 A. Yes. At that time, Feng Ling Liu told me --

4 Q. You said Feng Ling Liu told you?

5 A. Yes. At that time she told me they need interpreter
6 because they are kind of short of hands. They don't have -- we
7 have lot of clients have interview every day, and they don't
8 have many experienced interpreter. And I used to act -- I used
9 to act as interpreter when I was working for Giles. So she
10 knew that I can be an interpreter. So she asked me to be
11 there. And she also give me instructions, say I must figure
12 out who are those immigration officers, what's their preference
13 on each type of case, what kind of question they would ask,
14 what kind of answer they like, and the tricks other
15 interpreters would use.

16 Q. The tricks other interpreters would use?

17 A. Yes. Because we will figure out the sequence of
18 immigration officer. They would come out one after another.
19 And we have to figure out who would come first place, who would
20 come second, who would come third.

21 Q. Why was the sequence the asylum officers were seeing people
22 important.

23 A. Because each immigration officer have their own preference.
24 Some of them are good, and some of them are -- and good means
25 high passing rates, they are more likely to approve the

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1 asked. And I jot them down and then, gradually, I have a -- a
2 lot of questions from a lot of immigration officers.

3 Q. A lot of impressions about a lot of immigration officers.

4 A. A lot of questions.

5 Q. A lot of questions?

6 A. Yes. And then I figure out what kind of question is the
7 mostly -- the frequent that he asked questions. And then I
8 made a preparation material, actually multiple preparation
9 materials. And I list those questions, and give the answers
10 underneath each questions, in detail.

11 Q. You gave answers underneath each question?

12 A. Yes. I give answer to let our client know how to respond
13 to these kind of question.

14 Q. So I want to -- so the preparation you are describing, that
15 happened after the application was submitted, or before the
16 application was submitted?

17 A. After application was submitted.

18 Q. Who would -- prior to being submitted, who would typically
19 sign the application?

20 A. Attorneys.

21 Q. Would that also be the junior attorney's role, or any
22 attorney?

23 A. In the beginning, Feng Ling Liu signed those applications.
24 And later on Feng Li signed those applications. And when our
25 name changes to Moslemi, Moslemi signed those applications.

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1 And, later on, Meng Fei Yu become lawyer, and she began signing
2 those documents. And Vanessa signed those documents.

3 Q. And was it your experience that, prior to signing, the
4 lawyers would review the applications, or was their job just to
5 sign it?

6 A. Their job just to sign it.

7 MR. FISCHETTI: I didn't hear that answer.

8 THE COURT: Repeat that, please.

9 THE WITNESS: Their job is just to sign documents.

10 Q. So the application is submitted. You described some of the
11 materials you used in this preparation process. What other
12 materials did you use?

13 A. I also prepare Christianity knowledge questionnaire. And
14 Bible story material. Because immigration officer would often
15 ask what's your favorite Bible story. And I gave a lot of
16 story from Bible, because in Chinese, Bible is, in terms of
17 traditional Chinese, it is really hard for our clients who are
18 undereducated to understand. So I made them in more than
19 Chinese, to simplify them. And also give the meaning behind
20 each story, and what is the point they must know of the story.

21 MR. EAGAN: If I can, Ms. Geier, put up government
22 exhibit 300 and 300T.

23 Q. Focusing on 300, do you see that?

24 A. Yes.

25 Q. What is that?

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1 A. That's a Christian knowledge questionnaire. But that's not
2 prepared by me. That is prepared by Feng Li, the attorney.

3 Q. And what sort of -- how would this be used?

4 A. In the beginning, in our industry, we have a Christian
5 knowledge questionnaire, 200 questions, we call it. But that's
6 too many questions. And later on, Feng Li made this question,
7 we have maybe 50 or 60 questions, because he said that's the
8 question immigration judge usually ask, so that's for the
9 trial.

10 Q. That was Feng Li who --

11 A. Yes, he told me he made that. And later on, I -- when I
12 became a coach, I used this material in the first place, but I
13 figure out an asylum interview is quite different from
14 immigration trial.

15 Q. How are they different?

16 A. Asylum officer will ask more depth, more those questions in
17 depth, and broadly, and very hard. And then I think, okay,
18 it's not as good as I expected, so I made my own Christianity
19 knowledge question.

20 Q. So is it fair to say that the thing that Feng Li prepared,
21 you thought was sufficient for immigration court, but maybe not
22 for the asylum interview?

23 A. Yes.

24 Q. Did anyone ever instruct you to prepare different or better
25 material for the asylum interview stage?

E3q0liu3

1 A. The reason I prepare this multiple material is under
2 direction from Feng Ling Liu.

3 Q. Feng Ling Liu, or Feng Li?

4 A. Feng Ling Liu.

5 Because she told me, at that time, immigration court
6 has very heavy calendar. Every client would wait a couple of
7 years for their individual hearing to win their case, to get
8 status. Which means we had to wait a couple of years to
9 collect our legal fee. But if our client can win the case at
10 asylum office level, we can get money back sooner, much sooner.
11 So we have to pay a lot of attention, spend a lot of time on
12 coaching client for asylum interview. And I did a better job
13 than Lillian.

14 Q. Better job than Lillian?

15 A. Yes. I have been to the immigration bureau many times when
16 I was interpreter. And I have contact from those other
17 interpreters, so it was better for me to prepare these
18 documents, and give to the office.

19 Q. Other than sending you as a translator, would someone from
20 the office typically go with an applicant to the asylum
21 interview?

22 A. Yes. David Miao's younger brother, Larry Miao.

23 Q. What would he do there?

24 A. He was a driver, he will --

25 Q. He was the driver, you said?

E3q01iu3

1 A. Yes, he was driver. He drove to Brooklyn or to Flushing to
2 pick up all of the clients, and drove them to immigration
3 bureau at Rosedale. Near JFK.

4 Q. And would he go into the room with them?

5 A. No. He was not allowed to get into the waiting room. They
6 need me, because I don't know what happened to him. He made
7 something wrong. And immigration bureau prohibited him from
8 entering the immigration bureau anymore.

9 Q. So the materials, that 300T, just like that, that is an
10 example of some of the materials. You said you prepared, other
11 material? The exhibit you just looked at, the basic questions.

12 A. That's prepared by Feng Li, not me.

13 Q. Right. And then you prepared other documents to help
14 prepare?

15 A. Yes, I prepared materials like the things you need to know
16 before you go to immigration interview, and preparation for
17 Christianity claim, and the Christian knowledge questions, and
18 the Bible stories, yes. And during the preparation, I even
19 used very creative ways to coach them. I give them Christian
20 movie to see. That helped them to understand more easily. I
21 give them to see Moses. And even costume, like Egyptian
22 prince, for them to understand what happened in Bible.

23 Q. And would other coaches coach in the same fashion?

24 A. I don't really -- similarly. For example, Lillian would
25 coach the same way, the story, the trip to US, the application.

E3q0liu3

1 But because she has never been to immigration bureau, so she
2 would not prepare right to the point, I guess. And when I made
3 those preparation materials, I gave a copy to Lillian. And
4 Lillian had that on the wall for our clients to review. So
5 client can see those questions on the wall because, usually,
6 many clients, we cannot -- is waste of time to tell each client
7 the same thing. We just put it on the wall so they can see by
8 themselves when we are preparing for others.

9 Q. And with respect to the Xin Miao application, you talked
10 about before, did you do the coaching on that?

11 A. Yes, many times.

12 Q. Did anyone else participate in that coaching?

13 A. Xin Miao told me Feng Ling Liu coached him, and Lillian
14 coach him, yeah.

15 Q. In your experience, how many of the firm's clients were
16 granted asylum at the initial stage, at the asylum officer
17 stage?

18 A. I began counting these things in, since 2010. And 2010,
19 from January until November, until I was fired, we have five to
20 six hundred cases for interview. And I forget how many get
21 approved.

22 Q. As a percentage, was it high percentage, or a low
23 percentage, or a rough percentage?

24 A. Five to ten, I guess.

25 Q. 5 to 10 percent?

E3q0liu3

1 A. Yes, a little bit higher than industry average, I guess.

2 Q. A little higher than the industry average?

3 A. Yes.

4 Q. For those that were rejected, what was the next stage?

5 A. If the case were rejected, the case will transfer to
6 immigration court.

7 Q. And when would the next immigration -- what is the first
8 step in immigration court?

9 A. We will have master hearing. The client will meet their
10 immigration judge, submit their evidence again, and schedule
11 for individual hearing.

12 Q. And how long would the master hearing be after the asylum
13 interview?

14 A. It depends on judge calendar, three to six months.

15 Q. And it's at that master hearing that you find out when your
16 individual hearing will be?

17 A. Yes.

18 Q. How long is the waiting period for an individual hearing?

19 A. That varies greatly. Sometimes a year or two. Sometimes,
20 three years. And I know there is -- there is client whose
21 judge was sick twice during the individual hearing, so he wait
22 many years.

23 Q. Would the firm help clients prepare for the appearance in
24 front of the immigration judge, as well?

25 A. Yes.

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1 A. Spring 2009. I forget which month.

2 Q. And let me ask you, what was your understanding of why the
3 name of the firm changed?

4 A. In the end of 2008, or in the beginning of 2009 time, Feng
5 Li came to our office. He said he read the news from ICE's
6 website, the Immigration And Custom Enforcement website, there
7 was an immigration office, law office in Houston was raided by
8 FBI and was charged by them on many counts, including asylum
9 fraud. And the asylum fraud is also about Christianity and,
10 specifically, in that news, the ICE mentioned they used
11 Christian knowledge, 200 questions. And Feng Li especially
12 told us there was a paralegal who escaped from the United
13 States, went to Hong Kong, but later on was taken back and he
14 asked us to be more cautious, be more careful. And, later on,
15 he report this to Feng Ling Liu.

16 Q. Feng Li reported this to Feng Ling Liu?

17 A. Yes. At that time, there were more of this kind of thing
18 happening around the country. I remember there was Maryland or
19 Virginia also have this kind of law firm was indicted. And
20 then we have kind of conference. We have some, several new
21 matters. For example, we could not talk with clients over the
22 phone about the case anymore.

23 Q. Why couldn't you talk with clients about cases over the
24 phone?

25 A. They said our phone was tapped by FBI. And then we, if

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E3q0liu3

1 some stranger calls, don't talk with them, let them come to
2 office in person. And at that time, we began shredding those
3 stories.

4 Q. Started shredding the stories, you said?

5 A. Yes.

6 Q. Which stories?

7 A. The stories we made up for clients. And we began deleting
8 the file in the -- the computer. Those Chinese story we made
9 up, we save to the computer, and we began deleting them.

10 Q. So how was the name change a part of that process, to your
11 understanding?

12 A. In the beginning of 2009, we changed the name, they didn't
13 tell us why, but we figure out --

14 MR. FISCHETTI: Objection.

15 THE COURT: Yes.

16 MR. FISCHETTI: Objection. "We figure out." Sorry.

17 THE COURT: So, if you can just ask a different
18 question. I don't know who the "we" is, so --

19 THE WITNESS: Okay.

20 BY MR. EAGAN:

21 Q. Well, when you said we figured out, who are you referring
22 to?

23 A. Men Feng Li and I. Because we are both storywriters and
24 have very good relationship. And we are all, we both
25 uncomfortable with our job. And we figure out the name change

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E3q0liu3

1 is for the safety issue.

2 Q. When you say "the safety issue," what do you mean?

3 A. Because Law Office of Feng Ling Liu is gone. And the new
4 office, we have new office name. And we believe it would take
5 some heat from us and, yeah, that's how we -- that's what we
6 figure out.

7 Q. You said a lot of these instructions, directions, came at,
8 I think you said, at a meeting or a conference; is that right?

9 A. Yeah, we had a kind of conference.

10 Q. Who gave these instructions?

11 A. Feng Ling Liu.

12 Q. And when was the name change again?

13 A. The beginning of 2009.

14 Q. And when did Vanessa arrive?

15 A. Spring 2009.

16 Q. Did you -- did she ever participate in preparing clients
17 for asylum interviews -- I mean for immigration judge
18 proceedings?

19 A. Yes.

20 Q. Did you ever sit in on those preparations?

21 A. Yes, I was acting as interpreter on quite a few occasions.

22 Q. On quite few occasions?

23 A. I believe between five to ten.

24 Q. And did you ever translate for her on an application that
25 you had prepared?

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E3q0liu3

1 A. Yes.

2 Q. On the ones that you helped with, were those applications
3 real or fake?

4 A. Fake.

5 Q. And in terms of -- how would she prepare a client for the
6 immigration judge proceeding?

7 A. At first, she gave a client a list, kind of the things you
8 should not do at an immigration court about demeanor, and about
9 how to interact with interpreters at a trial, how you know to
10 show you're respectful to the judge and to the trial attorneys.
11 This kind of instruction. And then prepare the case, just
12 prepare the application, the trip to the United States, and the
13 story, and go through the evidence. Quite similar to asylum
14 interview preparation.

15 Q. And during these preparations, that you sat in, did the
16 client ever indicate that their -- let me ask it this way.

17 Were the clients in those circumstances able to keep
18 the details of their story straight?

19 A. No. Because, at first, that's nothing happened to them, so
20 you -- they often forget what happened in the story. And the
21 second is last time we prepare for their asylum interviews may
22 be a couple of years ago, so they forget what we prepare them
23 couple years ago. So client made a lot of mistake during the
24 preparation with attorneys. Many of them.

25 Q. And would they ask questions about the persecution that

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E3q0liu3

1 happened to them?

2 A. Yes. That's part of preparation.

3 Q. Would this -- did this happen in any of the preparations
4 you participated in with Vanessa?

5 A. Yes.

6 Q. I want to turn back to some of the stuff you were talking
7 about, the concerns at the firm about what was going on. You
8 mentioned some of the measures like changing the name. Did
9 there ever come a time when another firm was opened up?

10 A. Yes.

11 Q. When did that happen?

12 A. In April or May 2010.

13 Q. And what happened, describe what happened in terms of the
14 firm's, the new firm?

15 A. In the beginning of 2010, Harry and Yolanda told us they
16 were about to open the new firm, and they were looking for new
17 office. At that time, they were in the same room as I was, so
18 we talk about this a couple of times. And but in the
19 beginning, they didn't have the lawyer. And later on, they
20 decided to use Vanessa. And they found office at a building
21 just across the street and they moved in in -- probably in
22 April or May 2010.

23 Q. And what was your understanding of why they were opening up
24 the new firm?

25 A. Two reasons. One reason is for safety. Because opening a

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E3q0liu3

1 Q. I was referring to the times when you served as a
2 translator -- I'll go back.

3 When you served as a translator, were there times when
4 clients would get the details of their claim wrong?

5 A. Yes, there were times the client cannot answer the details
6 of their story.

7 Q. In those circumstances, typically, what would be her
8 response?

9 MR. MAHER: Again, Judge, the form of the question.

10 THE COURT: Do you remember any specific instances?

11 THE WITNESS: No specific instance.

12 THE COURT: All right. Why don't you move on.

13 MR. EAGAN: Okay.

14 BY MR. EAGAN:

15 Q. Other than going back to when the name was changed, other
16 than when the name -- other than sort of the name on the door
17 or on that window, did anything else change in terms of how the
18 firm was run when Troy Moslemi came in?

19 A. No. Troy Moslemi is not our boss. Our boss is still Feng
20 Ling Liu and David Miao, so we are basically same.

21 Q. When did the second -- I'm sorry, you mentioned certain
22 steps that the firm took, I think you said on the safety issue.
23 Did you take any in personal steps around this time?

24 A. Yes. I talk with Meng Fei couple times about this. And we
25 feel very unsafe. And we don't believe our boss would protect

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E3q0liu3

1 me if our firm was really raided by FBI. So we decided to
2 protect ourselves. We begin taking things out from the office.
3 I -- I took like disclaimer, affidavits, and the client data
4 bases used for asylum interview preparation, and the material
5 prepared by me and by other people. And like the storywriting
6 instruction prepared by Harry.

7 Q. You said prepared by Harry?

8 A. Yes.

9 Q. When you say storywriting instruction, what was that?

10 A. That's kind of instruction, like what you should write in
11 the first paragraph, what you should write in second paragraph,
12 what you should write about persecution, and how you conclude
13 the story.

14 Q. And why did you take these steps?

15 A. I could use them as evidence if FBI approached me.

16 Q. Around what time was this?

17 A. From 2009, until I left, I taking these things from time to
18 time.

19 Q. Did there come a time when you left the firm?

20 A. Yes.

21 Q. When was that?

22 A. November 2010.

23 Q. Why did you leave?

24 A. I was fired.

25 Q. You were fired?

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E3q0liu3

1 Q. And in that circumstances, who pays you?

2 A. Big translator.

3 Q. How much were you typically paid for translating?

4 A. Between 80 to 100.

5 Q. Per interview, per day, per?

6 A. Per interview.

7 Q. When you were doing, working as a translator, to your
8 knowledge, did you work on any fraudulent asylum claims?

9 A. Yes. Later on I met Julie Chen at asylum office.

10 Q. And that's the person you knew from Ken Giles?

11 A. Yes. Probably in April 2011. At that time, we have chat.
12 And she says she need help, because she has many cases she has
13 not done anything. She said that Karen, legal assistant, could
14 not help her. And she knew I more available because I have no
15 stable job, so invite me to come back and help her deal with
16 those cases.

17 Q. What did you do for Julie?

18 A. She gave me cases. And I wrote the story, filled the
19 application, wrote the letters, and when the evidence mail from
20 the clients, I translate those evidence, and when they have
21 interview, I prepare for them, and sometimes I interpreted for
22 them.

23 Q. How many applications would you say you worked on for
24 Julie?

25 A. In total, 12.

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E3q0liu3

1 want to meet with me, and I should meet with them, that's in my
2 benefit to see them. And, actually, I met the agent before,
3 but -- in July 2011. At that time, he pretend he was
4 immigration officer at immigration bureau. He told me he was
5 investigating sexual harassment issue between our interpreters.
6 And he asked me to help them about it, his investigation. And
7 I met him in July. But at that time, I didn't know he was FBI
8 agent. He left my telephone number, that's why he called me in
9 November 2011.

10 Q. So you met an FBI agent in July, but didn't realize it was
11 an FBI agent?

12 A. He didn't tell me, he said he was immigration officer.

13 Q. But in November of 2011, when you were approached by the
14 FBI, they identified themselves as FBI agents?

15 A. They didn't identify over the phone.

16 Q. But when you met with them?

17 A. Yes.

18 Q. Did there come a time when you started cooperating with the
19 FBI in this investigation?

20 A. Yes, immediately.

21 Q. And so that was in approximately November 2011?

22 A. Yes.

23 Q. I'm going to show you what has been marked for
24 identification as 3503-21. If you can take a moment to look
25 through that.

E3qWliu4

T. You - direct

1 (At the side bar)

2 MR. EGAN: Your Honor, I just wanted to say again that
3 the question, I think it is permissible to ask him what Vanessa
4 Bandrich's reaction was typically, even if he doesn't have a
5 specific experience, since he said he translated five to ten
6 times.

7 THE COURT: You can ask do you remember if she ever
8 had a reaction, which I think would encompass, even if he
9 doesn't remember the date or the time, would encompass what
10 reaction she had. But you can say something like do you
11 remember her ever having a reaction and then follow up with
12 when that was.

13 MR. MAHER: Judge, I object, and the government did a
14 lot of this asking as general impressions what happened, almost
15 every question "would," and I didn't object until this time
16 because it became important for my client. But that's not a
17 proper question. It does imply speculation, and this is
18 something that is very specific, ask a specific question, do
19 you remember a time, he says I recall no specific instances.
20 There is nothing else to follow up at this point. He's just
21 trying to find a way to try to get in this information that
22 clearly the witness says he recalls no specific instances of
23 her giving any type of feedback in that situation. I think
24 it's improper.

25 And part of it also, I just want to make a record

E3q01liu5

Yu - cross

1 Q. And this was a secret recording device, so the person you
2 were talking to never knew he was being recorded; is that
3 right?

4 A. Yes.

5 Q. Now, you, yourself, had been recorded before you
6 cooperated; isn't that right?

7 A. Yes.

8 Q. And they showed you those transcripts of what you said when
9 you were recorded, and didn't know you were being recorded;
10 isn't that right?

11 A. They didn't show the transcript to me at all.

12 Q. Did they give you the conversations?

13 A. No.

14 Q. So you have no idea what you said before you cooperated?

15 A. No.

16 Q. None?

17 A. No, I don't know.

18 Q. Did they ever show you conversations that were recorded
19 with a person by the name of Lee Tan?

20 A. No, they didn't.

21 Q. You know Lee Tan; is that right?

22 A. If you mean that's someone called Bruce Lee, yes.

23 Q. If you -- what?

24 A. I don't know the one called Lee Tan, but I know someone
25 whose English name is Bruce Lee. Probably we're not talking

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E3q01liu5

Yu - cross

1 A. Yes.

2 Q. And she could have spoken to you, right?

3 A. Yes, she could.

4 Q. And you were working for the government, at that time, to
5 try and get people who you say were getting criminal conduct
6 with you, and you called these 21 people in nine recordings,
7 isn't that right?

8 A. Yes.

9 Q. Did you ever record my client?

10 A. No.

11 Q. Did you ever try to record my client?

12 A. I told you --

13 Q. Did you ever try to record a conversation with my client,
14 after you were cooperating; yes or no?

15 A. Not up to me.

16 Q. Excuse me?

17 A. That's not up to me.

18 Q. They told you not to call her?

19 A. They never say who I should call.

20 Q. Oh, who you should call. But you knew, you are telling
21 this jury that she was your boss, she was telling you what to
22 do, and you were engaged in criminal conduct with her. Isn't
23 that what you are telling this jury?

24 A. Yes, that what -- but I was fired by her, so.

25 Q. Just answer my questions, the government will have an

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E3q01liu5

Yu - cross

1 opportunity to explain --

2 A. Okay.

3 Q. -- if you want to.

4 A. Okay.

5 Q. She's the person you say that gets you involved in criminal
6 conduct; is that right?

7 A. Yes.

8 Q. You're trying to make a deal with the government to catch
9 everyone who involved you in this criminal conduct, isn't that
10 right?

11 A. Yeah, everyone I can.

12 Q. And they give you the authority to call anyone you want?

13 A. No, they --

14 Q. They told you, what?

15 A. They tell me who you I should call.

16 Q. Okay. So they never told you to call her, is that your
17 testimony. Do not call Feng Ling Liu, Victor.

18 Did they tell you that?

19 A. They did not say do not call, they didn't -- they
20 just don't tell me that's the one they asked me to call.

21 Q. So they never asked you to call her, right?

22 A. To my best knowledge, I didn't remember they asked me to
23 call her.

24 Q. They never asked you to call my client, right?

25 A. Never.

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E3qWliu6

T. You - cross

1 Q. Did you tell them you were doing this?

2 A. FBI asked me to file application. The first time I met

3 with them, I expressed my concern about deportation. They

4 asked me are you a citizen or permanent resident. I say

5 permanent resident, but I bound to be ineligible to become

6 citizen. They say apply citizenship as soon as you can.

7 That's not the only time. I told them more than three times,

8 and every time they say go for it, apply yourself.

9 Q. They told you to file an application and lie under oath?

10 A. They asked me to sign, they asked me to file application
11 for citizenship.

12 Q. Yeah. The application for citizenship says that you can't
13 assist or know about a crime or be involved in a crime under
14 oath, and these FBI agents said that's okay, file it, sign it?

15 A. They asked me to file application but didn't ask me to lie
16 on application.

17 Q. So did you think you'd have a chance if you filed the
18 application and said yes, I'm involved in crimes? Would you
19 have filed that application?

20 A. If I knew eventually they would ask me to withdraw
21 application, I would not file it in the first place.

22 Q. But they told you to file it, right?

23 A. Yes, they told me to file it.

24 Q. And they told you to file it any number of times, right?

25 A. Three or four times, yes.

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E3qWliu6

T. You - cross

1 another fraud, is that right?

2 A. He didn't.

3 Q. Was there any argument between the FBI and the U.S.

4 Attorney's office about whether or not you should withdraw it?

5 A. What? Say again.

6 Q. Was there any argument between them?

7 A. I don't know.

8 Q. Isn't it a fact that you said to the U.S. Attorney's office

9 and others, Why do I have to withdraw my application, the FBI
10 told me I should file it?

11 A. I told my lawyer about that and I let my lawyer deal with
12 this matter, with that.

13 Q. Did you tell your lawyer, too, Why did the FBI tell me to
14 file this false application, that it cost me \$600 to do it?

15 A. Yes, and I asked my lawyer, if they allow me to do so, I
16 have to waste \$600.

17 Q. Did the FBI ever pay you back the 600?

18 A. No. No.

19 Q. Did you ever discuss with anyone before and after you were
20 cooperating about a plan you had if you ever got caught, what
21 you would do?

22 A. Yes. With Meng Fei Yu. She was my friend and she used to
23 be a storywriter and later become lawyer in our law firm.

24 Q. Didn't you tell people that if you ever got caught, you
25 would blame my client?

E3qWliu6

T. You - cross

1 A. I don't think we talk in that way. At that time, I
2 remember, she asked me if FBI agent, if FBI approach us, what
3 we should do. I said I would tell them everything, including
4 you. And she said, and I let her know if they approach you, do
5 the same thing with me. I won't blame you. That's what I,
6 that's what we talk about.

7 Q. Okay. Let me ask you about a conversation that you had
8 with Lin Tan saying, where Lin Tan tells you or tells you what
9 to do, is that if you ever get caught, you'll push my client
10 into a corner and blame her. Do you remember that
11 conversation?

12 A. I still don't know who is Lin Tan.

13 Q. Well, give me a name that you think it is.

14 A. You mean --

15 MR. FISCHETTI: Could I have that conversation.

16 Q. I want to show you 3503-91. Take a look at it and see if
17 it refreshes your recollection who I'm referring to as Li Tan,
18 and I think it may be Bruce Lee, but take a look.

19 A. I just want to make sure.

20 Q. Sure, sure, sure. Please take a look.

21 A. Which page?

22 Q. Oh, I just want you to tell me who you're talking to there,
23 who the person is.

24 A. That's the same conversation.

25 Q. Into the microphone, please.

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E3qWliu6

T. You - cross

1 A. I don't -- which --

2 Q. Just generally, is this Bruce Lee that you're talking to?

3 A. I don't -- is this page you're talking?

4 Q. No. I'm talking the whole conversation.

5 A. There are many people in this conversation.

6 Q. Okay. Then I'll just show you the person I'm talking
7 about. Do you know a person named Bruce Lee?

8 A. I know someone called Bruce Lee.

9 Q. Someone called Bruce Lee. Okay. What I want to ask you
10 generally, without reading anything to you, do you recall
11 having a conversation with this person, saying basically that
12 if I get caught or forced, I'll blame it on Feng Ling Liu? Do
13 you remember that?

14 A. I think I need to read whole conversation to make sure
15 that's what I said.

16 Q. You mean every page?

17 A. No, not every page. At least with this person.

18 Q. Sure, of course. That's what I'm talking about. But if
19 you want to read the whole conversation, be my guest.

20 MR. FISCHETTI: May I just look at the first page for
21 the government, please. I want a number here. 3503-91.

22 Q. What page are you on there, Victor?

23 A. 15.

24 MR. FISCHETTI: Page 15, I'm told.

25 A. That's conversation, I believe that person is Bruce Lee,

687

E3qWliu6

T. You - cross

1 but that's the conversation between, between him and Meng Fei

2 Yu, I guess, not with me.

3 Q. Not with you?

4 A. Not with me.

5 Q. Okay. Thank you. Do you remember having a conversation

6 with Mr. Zhang when you were recording him?

7 A. You mean her?

8 Q. Her. I apologize.

9 A. Actually, I barely know her. She's a newcomer after I left
10 and Meng Fei introduced me to her.

11 Q. I'm asking did you have a conversation --

12 A. Yes.

13 Q. -- where you recorded her and you were talking about
14 getting together and forming a firm.

15 A. You mean Ms. Tan?

16 Q. Yes.

17 A. No, I didn't. I never talk with her about forming a firm.

18 Q. Do you remember saying to her, Zhang, if you and her formed
19 a firm, that they should protect themselves and they could
20 present files as evidence to clear their names?

21 A. Oh, okay. I know who you are talking. We have
22 misunderstanding just now.

23 Q. Okay.

24 A. You are talking about Tom Zhang, right?

25 Q. Yes.

E3qWliu6

T. You - cross

1 A. Yes.

2 Q. So you recorded a conversation with him, right?

3 A. Yes.

4 Q. And you were talking to him about what you would do if you
5 get caught, isn't that right?

6 A. Yes.

7 Q. And what you told him, what you would do if you got caught,
8 was you could protect yourself and you could present files as
9 evidence to clear their names in case ICE investigates, they
10 can push everything on Liu and that's what you, Victor, would
11 do. Didn't you say that?

12 A. I don't remember I talk with Tom about that.

13 Q. Then I'll show it to you, and you tell me. Is it a fact as
14 to whether or not you said that? I'm showing you 3503-59, and
15 I'm asking you if you say this is what you would do if you were
16 caught, push everything on Liu. Take a look at it. There's a
17 whole paragraph there.

18 A. Okay. Just now I made mistake. This is not conversation
19 between me and Tom Zhang. This is a party host by Bruce Lee
20 for him, I, Meng Fei Yu and Adrianna Qi, and that's what he
21 said, not what I said.

22 Q. You didn't say you could protect yourself because you can
23 push everything on Liu?

24 A. He said, at that time, we told him we kept a lot of file
25 from law office.

E3qWliu6

T. You - cross

1 Q. Yeah, you stole a lot of files from there, too, didn't you,

2 when you left?

3 A. Not when I left. From time to time.

4 Q. From time to time, you stole files so you could use them

5 and start another office, is that right?

6 A. Not for our office. At first I use for our protection.

7 Q. Oh, for protection. So do you have the files that you

8 stole?

9 A. You mean right now?

10 Q. Yeah.

11 A. No, I don't have. Later on, I --

12 Q. Did you give them to the government?

13 A. Yes, I gave them to the government.

14 Q. All files that you had stored, you gave to the government?

15 A. All files, yes.

16 Q. Okay. So it says here -- well, I'm sorry. Did you read

17 it? Would you agree that in that conversation, it says what

18 they can do to protect themselves in case Liu has legal

19 trouble, they can present files as evidence to clear their own

20 names?

21 A. Yeah.

22 Q. Do you agree that that's what that says?

23 A. Yes, that's our purpose, to --

24 Q. That's what it says, okay. And does it also say they can

25 push everything on Liu and that's what they would do? Is that

711

E3qWliu6

T. You - cross

1 Q. You think you told them in November 2011?

2 A. Yes. At that time, they --

3 Q. It's a yes-no question.

4 A. Yes, I told them.

5 Q. Okay. At any time that you've met with the FBI or the U.S.

6 Attorney's office, have any of those government officials ever

7 asked you to write down what you know about Vanessa Bandrich?

8 A. They ask me to --

9 Q. Just think before you answer. I'm asking a very specific
10 question, and again, as you know, you're under oath.

11 A. Yes.

12 Q. Okay?

13 A. Mm-hmm.

14 Q. Did they ever ask you to write down in your own words what
15 you knew about Vanessa Bandrich?

16 A. I did that voluntarily.

17 Q. Excuse me?

18 A. I did that voluntarily without they asking me.

19 Q. You're saying you did that voluntarily without them asking
20 you?

21 A. Yes.

22 Q. How many times did you write something down about Vanessa
23 Bandrich?

24 A. I guess two.

25 Q. Two times. When did you do that?

712

E3qWliu6

T. You - cross

1 A. The first I met them, they ask me --

2 Q. I'm not asking for what anyone asked, what anyone said.

3 I'm asking you, you just said that there are two times that you

4 wrote in your own handwriting, right, or typed up in your own

5 words what you knew about Vanessa Bandrich. I'm asking you

6 what are the dates.

7 A. Okay.

8 Q. First time.

9 A. First.

10 Q. When was the first time?

11 A. November 2011.

12 Q. November 2011. And you gave that statement to who?

13 A. To Agent Daniel Park and Chris DeGraff.

14 Q. Okay. Second time, when did you do it?

15 A. The second meeting.

16 Q. Second meeting, which would have been when?

17 A. After Thanksgiving, 2011.

18 MR. MAHER: I'm going to ask just to be displayed to

19 the witness and counsel 3503-20, and if it doesn't pop up,

20 please let us know.

21 Q. Can you see a document displayed on the monitor in front of

22 you?

23 A. Yes. That's my handwriting.

24 Q. Okay. I didn't ask you a question except whether you can

25 see a document in front of you.

713

E3qWliu6

T. You - cross

1 A. But that's --

2 Q. Really, this is very important. Can you just look at me a
3 second? Look at me a second. Okay?

4 A. Okay.

5 Q. You really, please, need to listen to the question and
6 answer the question. I asked you whether you see a document.

7 A. Yes.

8 Q. Do you see a document?

9 A. Yes.

10 Q. Okay. That's all I asked. Okay? Now, do you recognize
11 that document?

12 A. Yes.

13 Q. Is that a document that you wrote?

14 A. Yes.

15 Q. Is this one of the documents that you just referred to?

16 A. Yes.

17 MR. MAHER: Can we go to page 20, please. I'm sorry.

18 Page ten.

19 Q. Do you recognize this document?

20 A. I don't recognize this document. No. That's not --

21 Q. I'm just asking whether you recognize this document. Let
22 me ask you this.

23 MR. MAHER: Can you go back one page at a time for a
24 few pages, please.

25 A. Okay. That's a translation of one documents I prepared for

714

E3qWliu6

T. You - cross

1 the --

2 Q. Is this one of the documents you provided to the
3 government?

4 A. That's the translation of the document I provide to them.

5 Q. And the translation, is that a translation of a document
6 that you drafted yourself?

7 A. Yes.

8 Q. So the document that you're seeing right now is your words
9 as have been translated by the government, correct?

10 A. Yes.

11 MR. MAHER: Could we go back to page ten now, please.

12 Q. Isn't it true that as far as your references to Vanessa
13 Bandrich in this document --

14 A. Yes.

15 Q. -- you said that "in the latter half of 2009, Dennis left,
16 Troy referred his friend --"

17 MR. EGAN: Objection, your Honor. Again, this is not
18 in evidence.

19 MR. MAHER: It doesn't have to be. This is
20 impeachment.

21 THE COURT: Why don't we meet at the side bar.

22 (Continued on next page)

23

24

25

E3oWliu2

Opening - Mr. Egan

1 dollars over the course of the fraud, all for helping
2 immigrants file a form that doesn't cost a dime to file.

3 They were so successful, as a matter of fact, that you
4 will hear that they started to worry that people might get
5 curious, people like the FBI. After all, if the government was
6 going to investigate this, they were likely going to start with
7 the biggest players. You'll hear that as word trickled out
8 about law firms around the country who had been arrested for
9 precisely this sort of fraud, the defendants kicked into
10 action. Feng Ling Liu tried to cover her tracks. She warned
11 employees, don't talk on the phone, in case they're tapped.
12 You'll hear she said not to have clients bring any of the
13 materials outside of the firm. She then went and changed the
14 firm name. Feng Ling Liu's name came off the door. You'll
15 hear Troy Moslemi's name went right back up. Then Feng Ling
16 Liu helped her brother open another firm right across the
17 street, this time with Vanessa Bandrich's name on the door.
18 And they brought on Rachel Yang to help the applicants through
19 the fraudulent process. And while they pretended to be
20 separate firms, you'll hear, the evidence will show, that in
21 many ways it remained one firm. Same business, same factory,
22 same fraud. That's what the evidence will show.

23 Let's talk about the kinds of evidence you'll see and
24 hear in this case. First you're going to hear live testimony
25 from a number of witnesses. You're going to hear from a couple

E3oWliu2

Opening - Mr. Egan

1 of storywriters who worked at this firm. As people who did
2 this for a living, they'll be able to tell you exactly how the
3 fraud worked at these firms and the roles of each of the
4 participants in the fraud. You'll also hear from an asylum
5 applicant who actually used the firm to file a fraudulent
6 asylum application. He'll describe how they moved him through
7 the process, how they helped him gather fraudulent evidence,
8 how they helped create a fake story for him.

9 You'll also see a couple different types of
10 documentary evidence at the trial. First, you'll see some
11 examples of the fraudulent applications that were filed by the
12 firm, and you'll hear the lies that they contain and you'll
13 hear how the firms manufactured them. Then you'll see evidence
14 that was taken right off the desks and out of the drawers of
15 these firms and you'll hear how that evidence was used to
16 manufacture false asylum claims.

17 But you won't just hear witnesses' descriptions of how
18 it worked or see documents that they used to corroborate what
19 they said. You will hear the actual words of the defendants
20 themselves as they guided applicants through this process. You
21 see, several of the witnesses you will hear from, including two
22 of the witnesses who went to these firms to file applications,
23 were working for the FBI. As part of that cooperation, they
24 agreed to wear recording devices that captured each of these
25 defendants discussing the fraud. You'll see translations of

E3oWliu2

Opening - Mr. Egan

1 these recordings, and you'll hear how the applicants were given
2 asylum claims, coached to be more believable, and how they were
3 taught to get fraudulent evidence. In short, how to lie.
4 These recordings will make it clear that everyone at these
5 firms knew exactly how this game was played.

6 To be clear, many of the witnesses I just described
7 committed a crime. The applicants submitted applications with
8 lies in them. The storywriters will testify that they prepared
9 false asylum applications for people. That's asylum fraud in
10 both cases. Now, the government has agreed not to prosecute
11 the applicants who will testify at this trial for immigration
12 fraud. The storywriters, on the other hand, have already pled
13 guilty for their involvement in the scheme and are testifying
14 here in hopes of getting leniency at their sentencing. When
15 you consider their testimony, you should also consider how that
16 testimony is corroborated by other evidence in the case, by
17 documents and by the recordings. You will see that these
18 witnesses are able to take you inside this process like no
19 other witness can. In short, you will hear and see many
20 different kinds of evidence in this trial, and that will
21 confirm that the defendants are guilty of conspiracy to commit
22 immigration fraud as charged in the indictment.

23 Once you've heard all the evidence in this case and
24 used your common sense, the same common sense that you use in
25 your everyday lives as New Yorkers, you will reach the only

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E3rWliu1

T. You - cross

1 A. Yes.

2 Q. And the Miao family's related by blood?

3 A. Related by blood.

4 Q. The Liu family, there were blood relatives in the firm?

5 A. Yes.

6 Q. Yes?

7 A. Yes.

8 Q. And at least two people were married together, correct?

9 A. Yes, David and Feng Liu.

10 Q. You also conceded that you claimed a benefit for Medicaid
11 that was improper, right?

12 A. Yes.

13 Q. And by improper, we mean illegal, right?

14 A. Yes.

15 Q. You broke the law by doing that?

16 A. Yes.

17 Q. You broke the law by, again, submitting false documents to
18 a different U.S. Government agency?

19 A. That's New York State government agency.

20 Q. Oh. I'm sorry. To a different government agency.

21 A. Yes.

22 Q. The State of New York?

23 A. Yes.

24 MR. MAHER: Nothing further, Judge.

25 THE COURT: Mr. German.

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E3r01iu2

T. You - cross

1 Melody Shen, you met with FBI Intelligence Analyst Matthew
2 Johnston, Assistant United States Attorney Harris Fischman, you
3 met with your own attorney present, Julia Gatto.

4 Do you remember attending meetings with all of those
5 individuals?

6 A. Yes.

7 Q. And didn't you tell them, in that meeting, that you never
8 intended on attending the University of California?

9 MR. EAGAN: Objection.

10 THE COURT: He can answer the question.

11 A. I said at that time, I didn't explain myself --

12 Q. The question is, did you tell them that you never intended
13 on attending the University of California.

14 A. Because my basic purpose was for travel.

15 Q. Sir, did you tell them that you never intended on attending
16 the University of California program?

17 A. Actually, I forget.

18 Q. Now, you arrived to the United States on July 18, 2005;
19 correct?

20 A. Yes.

21 Q. This is approximately six months after your girlfriend had
22 been forced to endure the abortion, correct?

23 A. Yes.

24 Q. You testified two days ago, on direct examination, that
25 when you arrived in New York, within a few weeks your wife,

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E3r0liu2

T. You - recross

1 A. Yes. I talked to FBI agent Dan Park a couple of time about
2 this, and he told me to do so.

3 Q. You told me about that yesterday. But I want to get this
4 straight. Did Special Agent Park, according to you, tell you
5 to file this immigration form to become a citizen before you
6 filed it?

7 A. Yes.

8 Q. Okay. So, now, you filed it in May. When did he tell you
9 to do that?

10 A. The first time was November 2011, the first meeting.

11 Q. At the very first meeting?

12 A. Yes. I expressed my concern about deportation.

13 Q. But you told them, then, that you had committed immigration
14 fraud, isn't that right.

15 A. Yes.

16 Q. And you knew that, right?

17 A. Yes.

18 Q. And he still told you to file an application to become a
19 citizen, right; yes or no?

20 A. Yes.

21 Q. He told you that, right? And in response to what the
22 government told you, that's why you filed it, right?

23 A. Yes.

24 Q. So that's another crime that the government told you,
25 through Mr. Park, that you should commit, isn't it?

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E3r0liu2

T. You - recross

1 A. Yes.

2 Q. Let me show you F3. It is not your application, but it's
3 the one that you dealt with. It's in evidence. I've got to
4 get my page numbers.

5 Now, I'm showing you page 18 of 21, all right, part 12.

6 Would you look with me and see if I'm reading it
7 correctly, Mr. You. It says, does it not: I certify under
8 penalties of perjury, under the laws of the United States of
9 America, that this application and the evidence submitted with
10 it are true and correct.

11 I authorize the release of any information, to
12 immigration, needs to determine my eligibility for
13 naturalization.

14 And then it has a signature.

15 Have I read it correctly?

16 A. Yes.

17 Q. And that's what you signed?

18 A. Yes.

19 Q. And that was a lie?

20 A. Yes, I lie on all of the questions.

21 Q. So you committed perjury?

22 A. Yes.

23 Q. Have they charged you with perjury?

24 A. No.

25 Q. They tell you why not?

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E3r01iu2

T. You - recross

1 Q. Excuse me?

2 A. No.

3 Q. Wasn't true. So that was the perjury that you committed,
4 right?

5 A. Yes.

6 Q. And you were not concerned about being arrested for
7 perjury, because the government told you to do it, right?

8 A. I will not do that without counseling them before
9 submitting the application.

10 Q. Of course you wouldn't. And the counsel you got was from
11 Special Agent Park, right?

12 A. Yes.

13 Q. And you told us, as I understand, he told you several
14 times, is that right?

15 A. At least three times, I remember.

16 THE COURT: Let me know when it is a good time to take
17 a break.

18 MR. FISCHETTI: Yes, your Honor.

19 THE COURT: Is this a good time?

20 MR. FISCHETTI: Yes, your Honor, thank you.

21 THE COURT: Why don't we take our morning break.

22 Please remember to keep an open mind and don't discuss the
23 case.

24 THE DEPUTY CLERK: All rise.

25 (Jury excused)

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E3vWliu2

L. Chen - direct

1 A. At the office of the Moslemi law firm.

2 MS. MERMELSTEIN: Can we pull up for everyone what's
3 in evidence as Government Exhibit 783, please.

4 Q. Ms. Chen, do you recognize Government Exhibit 783?

5 A. I recognize it.

6 Q. What is that?

7 A. It is the exterior view of the building where Moslemi &
8 Associates is located.

9 Q. Do you see the firm's sign for the law firm in that
10 picture?

11 A. Yes.

12 Q. Can you describe for the jury where in that picture the
13 sign is, please.

14 A. I can.

15 Q. Go ahead.

16 A. It is the upper middle sign on top of the entrance that is
17 gild. That is the law firm's sign.

18 Q. When you say gild, do you mean that gold sign that's above
19 the door?

20 A. Yes. Yes, like that there.

21 Q. What does that sign say?

22 A. On the sign, in black, in Chinese, it says Feng Ling Liu
23 law firm, sixth floor.

24 Q. And was the law firm, in fact, located on the sixth floor?

25 A. Yes.

E3vWliu2

L. Chen - direct

1 BY MS. MERMELSTEIN:

2 Q. What instructions did the agents give you before you made
3 recordings of the Moslemi employees?

4 A. The, generally, the agents will tell me what I was to do at
5 that, at that recording.

6 Q. What was the layout like of the Moslemi law office?

7 A. As soon as the elevator door opens, there is a large space.
8 And on both the left and right sides of the large space were
9 two reception desks and surrounding that large space were six
10 offices.

11 Q. What generally was happening in the law office when you
12 made the recordings?

13 A. Every time I went, there were many people there. There
14 were those who had already gone to court and there were those
15 who were getting information about going to court.

16 Q. Which Moslemi employees have you made recordings of?

17 A. All together, I recorded four people. One was Lillian Miao
18 and one was Wen Ting Zheng and Mr. Wu and also David Miao.

19 Q. I'm showing you what's in evidence as Government Exhibit 12
20 in front of you. Do you recognize that?

21 A. I do.

22 Q. Who is that?

23 A. Well, this is David Miao.

24 Q. And looking at Government Exhibit 13 in evidence, do you
25 recognize that?

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E3vWliu2

L. Chen - direct

1 within one year.

2 Q. And why did they want to verify, or what was the
3 significance of how long you had been in the U.S.?

4 A. Only for people who have been in the U.S. within a year
5 qualify, are eligible to apply for political asylum.

6 MS. MERMELSTEIN: Let's return to the transcript,
7 about halfway down the page, starting with, "Are you looking to
8 have a consultation?"

9 MR. EGAN: "Lillian Miao: Are you looking to have a
10 consultation?"

11 MS. MERMELSTEIN: "Correct."

12 MR. EGAN: "Oh, in that case, you, I'm not going to
13 discuss it with you. Look, I will go find you when I have some
14 time. If I don't have time, then you --

15 MS. GEIER: "Unidentified male: Unintelligible."

16 MR. EGAN: "Take time to read it. Take time to
17 understand it. First, memorize the route and memorize the
18 story. Take a seat over here."

19 BY MS. MERMELSTEIN:

20 Q. Ms. Chen, who was Lillian Miao speaking to when she told
21 someone to memorize the story and memorize the route?

22 A. She was talking to an unknown male client at her law
23 office.

24 Q. Did you have an understanding of why she was telling that
25 person to memorize a story and memorize a route?

E3VJLIU3

L. Chen - direct

1 problem. It is still okay to issue a declaration. Yesterday a
2 client of ours could not get a statement from the priest until
3 he gave the priest \$1,000. If you do not want to appear and
4 testify in court, just give him 100 or 200 and ask him to write
5 a statement, not much is required. Humm. Then you have to
6 give it to us as soon as possible. If your court date is July
7 5th, then the early July -- you mean July 10th. It says the
8 5th. It is not the 10th. I almost got confused. The 5th.
9 The 5th, I remember that. Doesn't it say July 5th here? You
10 said July 10th. What are the chances of me winning? Your
11 judge is very nice. Brenna is a very nice judge. You might
12 not have the problem one year whether you're arrested at the
13 airport. Yes.

14 Now is the time for you to resubmit evidence with a
15 priest or someone in charge or other church members. Get some
16 pictures of activities, three, four pictures with clothes of
17 different colors and hand them in along with the statement from
18 the church.

19 BY MS. MERMELSTEIN:

20 Q. Let's stop there. Ms. Chen, who is speaking in this
21 portion of the conversation?

22 A. It's Lillian and unidentified male client.

23 Q. Were you a part of that conversation?

24 A. No, I did not participate in it.

25 Q. How was it captured on the recording?

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E3VJLIU3

L. Chen - direct

1 A. I was standing next to them so it was recorded as a result.

2 MS. MERMELSTEIN: Let's turn to Page 19, please, and
3 read briefly at the top.

4 So today I need to make the deposit. Anything else
5 afterward? Lillian Miao, we will make arrangement, give it to
6 the assistant and ask him to write up a story for you.

7 Oh, besides the deposit, what materials do I need to
8 give you? If necessary, and you have them, give them to us.
9 If you don't, it is okay that you bring them over next time,
10 passport, notarized certificates and ID card.

11 MS. MERMELSTEIN: Let's move to Page 32, please. If
12 we can start reading in the first big paragraph with Lillian
13 Miao.

14 Lillian Miao. Your church got destroyed April 6th,
15 2008, right? See how many days you have been detained? You
16 see on April 6th, 2008 everything was just as usual and you
17 were there at the Sunday worship singing the holy songs and
18 praying. That evidence if we wanted to be save has to be for
19 between January and March, but not for May. In May you were
20 getting ready to leave your home. What were done on May 3 and
21 4 could only be done on May 1 and 2. Unidentified male 5. The
22 first and second. Yes, May 1 and 2. You went shopping. You
23 departed from Beijing.

24 If you want to get the airline ticket prepared, ask
25 your family to get airline ticket prepared. It must be for May

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E3VJLIU3

L. Chen - direct

1 4th, 2009. That would have flown from Foochow to Beijing. Do
2 you understand what I mean? An airline ticket just like that
3 if you get it prepared, go ahead. You departed from China
4 on the 5th. You would have bought an airline ticket from
5 Foochow to Beijing. This is evidence.

6 You departed from Beijing to France, changing planes
7 in Mexico. Get it prepared now. Tell them to leave it there
8 and wait a while before you mail it so that it can be aged a
9 bit. Tell your family to get it prepared as soon as possible,
10 buy it now. Go buy it now. How can I now buy an airline
11 ticket for 2009? You are so smart. How come you don't know
12 how to get it? Who of those people from Foochow has real
13 airline ticket. I really don't know. I never had a plane
14 ticket prepared like that. You have not done that, but don't
15 you know how to get it now? The date can be changed like that?
16 They will know what to do.

17 BY MS. MERMELSTEIN:

18 Q. Ms. Chen, did there come a time when you acquired one year
19 evidence?

20 A. Yes.

21 Q. What, if anything, did Lillian Miao do to assist you in
22 obtaining that evidence?

23 A. She gave me a telephone number, telephone number of a
24 company in China.

25 Q. Did you call that number?

1029

E3vWliu4

L. Chen - cross

1 Q. Did anyone tell you that you have to pay taxes on the cash?

2 A. No one told me that.

3 Q. But you did tell someone from the government that you are
4 receiving cash, is that right?

5 A. Yes.

6 Q. And no one told you from the government that you have to
7 pay taxes on the cash?

8 A. No one said that to me.

9 Q. And you haven't paid taxes on the cash, isn't that correct?

10 A. I have reported taxes for the checks.

11 Q. But not the cash?

12 A. Not for the cash.

13 Q. Now, when you start cooperating with the FBI, they told you
14 how to use a recorder and a video camera, is that right?

15 A. They did not teach me how to use it. They just showed me
16 where I was to place them.

17 Q. Let's take the Moslemi law firm. You went there with an
18 agent?

19 A. The agent did not go. Only I myself went.

20 Q. And who turned on the recorder?

21 A. After they had placed the recorder and turned it on, then I
22 went up there.

23 Q. And you had no opportunity to shut it off and put it on
24 again, isn't that right?

25 A. I did not touch it whatsoever. I just knew that after the

1030

E3vWliu4

L. Chen - cross

1 recording was over, I was to return it to them.

2 Q. And that's what you did?

3 A. Yes.

4 Q. So every time you were at the Moslemi law firm, the
5 recorder was running, is that correct?

6 A. Yes.

7 Q. And that's the same thing with the video camera, isn't that
8 right?

9 A. Yes.

10 Q. And when you came back, they took it off you, right?

11 A. Yes.

12 Q. And eventually, you listened to those recordings?

13 A. Yes.

14 Q. And did you see all the videos also?

15 A. Yes, I saw all of them.

16 Q. Now, you've met with the government a number of times,
17 isn't that true?

18 A. Yes.

19 Q. You listened to the recordings and talked to them about the
20 recordings?

21 A. When I listened to the recordings, I only listened to them
22 with my interpreter.

23 Q. With your interpreter?

24 A. Yes, the interpreter.

25 Q. Had they been translated at that point?

1031

E3vWliu4

L. Chen - cross

1 A. Can you please explain that question.

2 Q. What did you do with the interpreter? Can you explain that
3 to us, please.

4 A. I listened to each of the CDs and verified every phrase
5 that was said.

6 Q. Now, you told us that there were certain times when you did
7 not bring a video camera with you?

8 A. The video recorder I always had on. It was just that some
9 of the times, I did not bring the recording box.

10 Q. Now, every time you were at the Moslemi law firm, you had
11 your recorder on, is that right?

12 A. Yes.

13 Q. So there are no instances, no times when you were there
14 that we don't have a recording, is that true?

15 A. Yes.

16 Q. And you listened to those recordings and you found that
17 they're all accurate, is that right?

18 A. Yes.

19 Q. I want to go back to your asylum application. When you
20 filed it, you filed a false statement by yourself that was
21 given to you, is that correct?

22 A. Counsel, may I ask you, this personal application, is that
23 the one that I submitted myself, or was that the one that I
24 submitted in the name of Yan Hong Chen?

25 Q. This is the personal application that you submitted when

1037

E3VJLIU5

L. Chen - cross

1 firm, right?

2 A. Yes.

3 Q. And all of them were not given to the jury today. There
4 are many that we -- there are some that we have not seen yet?

5 A. Yes.

6 Q. Now, all the times you were there, how many times there
7 were, you were trying to get to see my client, Ms. Liu, right?

8 A. No.

9 Q. You weren't trying to get to see her?

10 A. Just the last time I had attempted directly to see the
11 Attorney Liu, but she wasn't there, so I just talked briefly
12 with David Miao.

13 Q. But when you talked to David Miao, you told him that you
14 wanted to see Ms. Liu. Isn't that right?

15 A. Yes.

16 Q. And you even lied about the fact that some interpreter told
17 you that you should see my client. Isn't that correct?

18 A. Can you please explain that question.

19 Q. Yes. Didn't you have a conversation with David, where you
20 insisted on seeing Attorney Liu, making up a story that some
21 interpreter told you to see Ms. Liu?

22 A. All that was under the instruction of the agents who asked
23 me to say those things.

24 Q. To what? Agents to what? I didn't get the last part of
25 the answer?

1044

E3VJLIU5

L. Chen - cross

1 given to me, then I will be able to remember the specific
2 times.

3 Q. Okay. Now I want to ask you this question again. Please
4 answer it as best you can. I think the answer is yes or no,
5 okay?

6 A. Okay.

7 Q. It is true, is it not, that how many times you were there,
8 over what period of time, you never saw or heard Feng Ling Liu
9 do anything criminal?

10 A. (Pause)

11 MR. FISCHETTI: Could you ask her is that statement
12 true?

13 A. Yes.

14 MR. FISCHETTI: I have nothing further -- I do have
15 one question. It was handed to me. I am sorry.

16 BY MR. FISCHETTI:

17 Q. The time you saw David and talked to David, do you remember
18 if his office door was open or closed?

19 A. It was closed.

20 MR. FISCHETTI: Thank you. I have nothing further.

21 THE COURT: Is there going to be additional cross or
22 redirect? If so, we'll take our break.

23 MR. GERMAN: There will be some cross.

24 THE COURT: Why don't we take our break now. Keep an
25 open mind and don't discuss the case.

1202

E41Wliu3

M. F. Yu

1 Q. How long does a student visa last?

2 A. Student visa actually is one year, but after that one year,

3 I can get another year optional practice time.

4 Q. Does that go by the shorthand OPT?

5 A. Yes.

6 Q. And you said that lasts for how long?

7 A. One year.

8 Q. Did you get any other benefit from not declaring your
9 income during this period?

10 A. No.

11 Q. Did you apply for Medicaid or anything like that?

12 A. No.

13 Q. I'm going to need you to speak up a little bit.

14 A. Okay.

15 Q. When you started at the firm, how many people worked there,
16 approximately?

17 A. More than ten people. About ten.

18 Q. Were there any other paralegals?

19 A. Yes.

20 Q. How many?

21 A. Several.

22 Q. Who were they?

23 A. Victor You, Harry Liu, Mr. Huang, Vinny.

24 Q. Winnie?

25 A. Yeah. Mr. Lee.

1204

E41Wliu3

M. F. Yu

1 A. At that time, it's another attorney, Bebe Xue.

2 Q. You said at that time. Did she leave at some point?

3 A. Yes.

4 Q. When did she leave?

5 A. In about 2010.

6 Q. In about 2010?

7 A. Yes.

8 Q. Do you see a door in the center of the picture?

9 A. Yes.

10 Q. What room is through there?

11 A. It's Ms. Liu's office.

12 Q. And during your time there, did she work in that office?

13 A. Yes.

14 Q. When you first started, how often was she at the office?

15 A. I would say every day.

16 Q. Did she work in there alone or with someone else?

17 A. Most time she worked there alone. Sometimes David would
18 stay there.

19 Q. Is there any way, to your knowledge, to that office, into
20 that office except through that room that you sat in?

21 A. That's the only door to the office.

22 Q. When she would work in there, typically, was the door open
23 or closed?

24 A. Open.

25 Q. So I want to turn your attention to the work you did at the

1206

E41Wliu3

M. F. Yu

1 approximately how many asylum applications did you work on in
2 any of your capacities?

3 A. Hundreds.

4 Q. Hundreds?

5 A. Yes.

6 Q. Of those that you worked on at Feng Ling Liu's law firm,
7 how many would you say are real, meaning based on actual facts
8 involving persecution?

9 A. Ten percent.

10 Q. Ten percent?

11 A. Yes.

12 Q. And of those ten percent that were based on actual events,
13 in your experience at the firm, were the details of those
14 stories changed prior to submitting the applications?

15 A. I'm sorry? Can you repeat the question.

16 Q. You said that about ten percent were based on actual
17 events, correct?

18 A. Yes.

19 MR. MAHER: I am going to object to the form of the
20 question.

21 THE COURT: I'll allow it.

22 BY MR. EGAN:

23 Q. Of the ten percent that were based on real events, were
24 applications prepared for those as well, asylum applications?

25 A. Yes.

1207

E41Wliu3

M. F. Yu

1 Q. And in your experience, would those asylum applications
2 contain false facts as well?

3 A. Yes.

4 Q. Why would they contain false facts?

5 A. Because most of stories were written by paralegals. Most
6 of clients didn't provide any useful information.

7 Q. What about the stories that were based on real events?

8 A. For the, for those real ones, when paralegal talking with
9 them, we can tell whether they actually have persecution or
10 not. If they did suffer persecution, they can tell us their
11 story, we know that that's their true story or not.

12 Q. And if it was a true story, were there ever circumstances
13 where details would still be changed?

14 A. Yes. Sometimes.

15 Q. Under what circumstances?

16 A. Even their stories true, but we want their story look
17 better, so we may add some details.

18 Q. You want it to look better?

19 A. Yes. Such as we would describe how the client beat up.

20 Q. How they were beat up?

21 A. Yes. By the Chinese government, I mean. Maybe they were
22 not beat up that severely, but we say more seriously and maybe
23 they didn't get bruise all on their body, we would add such
24 scenarios.

25 Q. I want to talk a little bit about the process. To your

1208

E41Wliu3

M. F. Yu

1 knowledge, did the firm advertise for clients while you worked
2 there?

3 A. No.

4 Q. How would clients typically find out about the firm?

5 A. Really they were introduced by the friends or relatives.

6 Q. How would these friends or relatives know about the firm?

7 A. Most of them --

8 MR. FISCHETTI: Objection.

9 THE COURT: Sustained.

10 BY MR. EGAN:

11 Q. Fair to say then that they were referrals, mostly?

12 A. Yes.

13 Q. When you started at the firm, let me ask you this. What
14 was the first step in the process when someone arrived at the
15 firm?

16 A. They always had initial meeting with a manager or Ms. Liu.

17 Q. When you started at the firm, who was the person or who
18 were the people with whom this initial meeting would take
19 place?

20 A. Most time, David did this job. Sometimes Carey.

21 Q. And you said sometimes Ms. Liu?

22 A. Yes, sometimes Ms. Liu.

23 Q. How was it determined who of that group the person would
24 meet with?

25 A. I'm sorry.

1209

E41Wliu3

M. F. Yu

1 Q. How was it determined whether the person would meet with

2 David or Harry or Ms. Liu?

3 A. Really when the new client came to our office, the

4 reception just show the client to David's office. But sometime

5 the client insisted on meeting Ms. Liu, they would meet Ms.

6 Liu.

7 Q. If they insisted on meeting Ms. Liu?

8 A. Yes.

9 Q. And why would a client insist on meeting Ms. Liu?

10 MR. GERMAN: Objection, Judge.

11 THE COURT: Sustained.

12 BY MR. EGAN:

13 Q. I want to just quickly show you Government Exhibit 16
14 already in evidence.

15 A. This is Harry Liu.

16 Q. Who is Harry Liu?

17 A. He is the younger brother of Ms. Liu.

18 Q. And when you started, what was his role?

19 A. He's a paralegal, but sometimes he conducting initial
20 meeting with our new clients.

21 Q. And later on, you said initially, these meetings would
22 happen with Harry or David or Ms. Liu. Later on in your time
23 there, was there anyone else who would do these initial
24 meetings?

25 A. Yes. Sometimes then Lucy and Lillian.

1223

E41JLIU4

Yu - direct

1 Please remember you're still under oath.

2 THE WITNESS: Thank you.

3 MR. EGAN: If I may, previously the witness had
4 testified about David Miao's name, Yuchang Miao. We put a name
5 plate up there. I move for its admission.

6 THE COURT: Any objection? It will be admitted.

7 MR. EGAN: It is Government Exhibit 12-N.

8 THE COURT: It will be admitted.

9 (Government's Exhibit 12-N received in evidence)

10 MENG FEI YU, resumes

11 DIRECTION EXAMINATION (Continued)

12 BY MR. EGAN:

13 Q. Ms. Yu, before the break we were discussing the initial
14 meetings that happened with asylum applicants.

15 What sort of information would typically be discussed
16 at these meetings?

17 A. I only heard a few times. I heard David asked the client
18 when they arrived this country if they have any, do they have
19 any criminal history in this country, and their marriage
20 history and the case, then they would introduce some claim
21 which they think is better for the client.

22 Q. So taking that back, you mentioned a number of different
23 records. Why were those records important?

24 A. You know, to apply for asylum, the applicant must arrive in
25 this country no more than one year after, no more than one year

1224

E41JLIU4

Yu - direct

1 after he came in this country.

2 Q. In your experience at the firm, did they have asylum
3 applications for people who had been here for more than one
4 year?

5 A. Yes.

6 Q. What other records, in addition to criminal records, were
7 they looking for or asking about?

8 A. We want to make sure that we asked do they have any record.

9 Q. Record about the applicant?

10 A. Yes, if they had a history of criminal long time ago, the
11 government has the records so we cannot lie about the client's
12 entry time.

13 Q. Was anything about the client's background discussed?

14 A. Background, yes, at occasion, marriage.

15 Q. Just information like that?

16 A. Yes. They don't ask whether you have persecution in China.

17 Q. So the background they would ask would just be education
18 and birth place?

19 A. Life experience.

20 Q. What about payment, was that ever discussed at these first
21 meetings?

22 A. Yes.

23 Q. What was the pay scale?

24 How much did it cost to file an asylum application
25 with the Bandrich law firm?

Not Moslemi or Fengling Liu Law Firm

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E41JLIU4

Yu - direct

1 A. Totally about 10,000 to 13,000.

2 Q. How was that paid?

3 A. The client would have paid 1,000 when we start preparing
4 the case. When they win the case, they pay the rest. If the

5 case lose, they will pay half.

Contradict with Victor, if client lost they paid nothing. she is not cashier.

6 Q. How was this money typically paid?

7 A. By cash.

8 Q. I think you testified earlier that persecution, someone's
9 persecution typically was not discussed?

10 A. No, no.

11 Q. Was the claim they would pursue ever discussed?

12 A. Yes.

13 Q. In what context?

14 A. Sometimes I heard that the client just asked Ms. Liu or

15 David which claim is easier to be granting.

16 Q. Would Ms. Liu or David provide advice on that?

17 A. Yes.

18 Q. What advice would they provide?

19 A. They would give advice based on their marriage or
20 avocation, background. If, for example, if there was a female
21 single applicant, they would advise them to apply for family
22 planning. The claim will be this female applicant suffered a
23 forced abortion because she got pregnant before marriage.

24 Q. Why was that an appealing claim for a single female
25 applicant?

1226

E41JLIU4

Yu - direct

1 A. Because this claim doesn't require a lot of evidence. It
2 is very easy to prepare the story and the whole package.

3 Q. What other types of claims did the office typically pursue?

4 MR. FISCHETTI: Objection. May we have a brief
5 sidebar?

6 THE COURT: Okay.

7 (Continued on next page)

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E41JLIU4

Yu - direct

1 (At sidebar)

2 MR. FISCHETTI: Judge, I withheld my objections up
3 till now so we can get a full story. I ask that the government
4 particularize who is saying what and not the office and not
5 they said, put David and my client together. I think it should
6 be more pointed on who said what during this period of time.

7 THE COURT: I agree with that. Who said what, I agree
8 with that. As to whether the abortion, had to do with types
9 of -- right, but I think it is okay to ask generally what types
10 of persecution the office would utilize, but I think in terms
11 of saying particular people said things or acted a certain way,
12 we should break down that.

13 (Continued on next page)

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E41JLIU4

Yu - direct

1 (In open court)

2 BY MR. EGAN:

3 Q. I think the question that was before you was what other
4 types of claims would the office typically pursue?

5 A. Okay. For some single male applicants, they advised them
6 to pursue Christianity.

7 Q. Why was that?

8 A. Because they don't have kids, they're not married, so they
9 cannot apply based on family planning. It is easy for them to
10 say some religion. They went to some church in China, was
11 arrested and beat up.

12 Q. Were there ever reasons -- let me ask this.

13 You described these meetings and advice that would be
14 given during them. Who did you hear participating in those
15 meetings?

16 A. Just sat outside Ms. Liu's office. What I heard, though,
17 was David and Ms. Liu were there.

18 Q. They were there having the conversations you just
19 described?

20 A. Yes.

21 Q. Did they ever discuss downsides to pursuing a particular
22 type of claim?

23 A. I am sorry. I don't remember.

24 Q. Okay. So after this initial meeting, how long would this
25 initial meeting typically last?

1230

E41JLIU4

Yu - direct

1 this form, including their age, address, avocation, kids, those
2 kind.

3 Q. Why was address significant?

4 A. If they want to apply for asylum in New York, they must
5 provide a New York address.

6 Q. In your experience at the firm, were there ever people
7 applied who did not live in New York?

8 A. Yes, many applicants actually lived in another state and
9 worked in other states.

10 Q. How would you handle this?

11 A. What do you mean? I am sorry.

12 Q. If someone came to you and said -- well, let me ask you
13 this way: Did anyone ever come to you and say I don't live in
14 New York?

15 A. Yes.

16 Q. How would you handle that?

17 A. I would tell them if you want asylum here, you should give
18 me an address in New York.

19 Q. So you worked on filling out the form. What other steps
20 would you take?

21 A. They also need to sign an affidavit.

22 Q. What is the affidavit?

23 A. The affidavit, an affidavit the client claims they provide
24 all the truths to this firm and their stories are truth and
25 their stories are prepared by themselves.

1231

E41JLIU4

Yu - direct

1 Q. I am going to show you what has been previously marked as
2 Government Exhibit 921. Take a look at that.

3 A. (Pause)

4 Q. Do you recognize that?

5 A. Yes.

6 Q. What is that?

7 A. This is an affidavit we ask the client to sign.

8 Q. That is an affidavit you used at the firm?

9 A. Yes.

10 MR. EGAN: I offer Government Exhibit 921 into
11 evidence.

12 THE COURT: Any objection?

13 THE COURT: It will be admitted, hearing no objection.

14 (Government's Exhibit 921 received in evidence)

15 BY MR. EGAN:

16 Q. If you can see where it says "No. 1" at the top? If you
17 can read No. 1 and No. 2 -- sorry -- where it is actually
18 numbered one and two. Starting at No. 1, if you can read that
19 and read No. 2 out loud.

20 A. Before starting to prepare my asylum application, my
21 attorney's office has given me the following warnings regarding
22 asylum applications. If you knowingly file frivolously
23 application for asylum, you will be barred from ever, from
24 receiving any benefits under the Immigration & Nationality Act.
25 A frivolous application for asylum is one which contains

1232

E41JLIU4

Yu - direct

- 1 statements or responses to questions that are originally
2 fabricated, not being grounded and signed knowing that your
3 application is frivolous.
- 4 Q. What is a frivolous application for asylum?
- 5 A. For me, it means fake asylum.
- 6 Q. Did every client have to sign this?
- 7 A. Yes.
- 8 Q. Why?
- 9 A. We give them the warning, they sign the affidavit so
10 someday if we have trouble, we can see they know they must have
11 tell us the truth so we won't take the responsibility for the
12 trouble.
- 13 Q. Did any client ever ask you about having to sign this?
- 14 A. A few people asked. Many people don't care what they sign.
- 15 Q. What explanation, if any, did you give them?
- 16 A. I just explain to them -- there are Chinese translations.
17 Sometimes I ask them to read a Chinese translation.
- 18 Q. Did they ever ask why they had to sign it?
- 19 A. Few people do that.
- 20 Q. Was this something that was required by the asylum office
21 or by the firm?
- 22 A. Required by the firm.
- 23 Q. Did anyone in particular at the firm tell you to have
24 applicants sign this?
- 25 A. Yes.

1233

E41JLIU4

Yu - direct

1 Q. Who was that?

2 A. When I started working at this firm, Ms. Liu trained me and
3 showed me which documents I should ask the client to view or
4 sign.

5 Q. So after they filled out -- you can take that down --
6 started to fill out the form, they've signed that affidavit,
7 what other information would you or what else would happen at
8 that meeting that you had with the client?

9 A. I would tell them for their cases what kind of evidence
10 they need to provide us. If we have time on that date, I will
11 prepare their story.

12 Q. When you say prepare their story, what do you mean?

13 A. When I started working at that firm, I don't know there so
14 many fraud cases, I would ask them what happened to you. Later
15 on you found many people don't have real persecution. So when
16 I know what kind of claim they pursue, then I just base it on
17 their life experience or background and made up a story for
18 them.

19 Q. When you say their "background," what sort of information
20 would you get?

21 A. Age, marriage, work, avocation.

22 Q. How would you incorporate those into stories?

23 A. You know, can I think about it?

24 I would just, for example, they start from the city of
25 Fuchin. I would say that she was leaving there or working

1234

E41JLIU4

Yu - direct

1 there -- sorry -- she was working there and living there, she
2 met a boyfriend and blah, blah, just using that information and
3 made up a story.

4 Q. You would use the information where they're from?

5 A. Yes, and which school they graduated, which year they
6 started working and where they were working.

7 Q. Would you typically in these meetings ever discuss the
8 facts of their persecution?

9 A. No.

10 Q. You mentioned at the beginning you used to ask them
11 questions?

12 A. Yes.

13 Q. What was your experience when you asked them questions like
14 like that?

15 A. I would ask them tell me what happened to you, how you were
16 persecuted or how you were arrested, tell me something. I
17 remember the first case, the new case David gave me, that is a
18 female applicant applying for asylum. Her claim is family
19 planning. She told me the story she had a boyfriend and she
20 got pregnant before marriage, the guy just gave, gave her a
21 forced abortion, and I wrote what she told me.

22 Later on many people cannot tell me what happened, so
23 I know no there was no persecution to them, and I just, based
24 on my previous year's experience, I just made up the story for
25 them.

1235

E41JLIU4

Yu - direct

1 Q. When you said they can't tell you what happened, what do
2 you mean? What would they say if you asked them?

3 A. Sometimes they just said I don't know how to write. Ms.
4 Liu said you would help us. I don't know about the asylum or
5 persecution, just tell me what I should do.

6 Q. If they did not provide the details of the persecution, how
7 did you know what to write?

8 A. When I started working, Ms. Liu asked me to look at old
9 files, and we had some samples in our computer.

10 Q. Samples?

11 A. Yes.

12 Q. What do you mean by samples?

13 A. The samples were created by some people in the office,
14 Harry or somebody else. For each claim, each category of
15 asylum claim there was a sample story, like the first paragraph
16 introduction of this applicant and the second paragraph is what
17 happened to this applicant and where they were arrested, how
18 they left the country.

19 Q. The item you're describing was a sort of model that was
20 available to you?

21 A. Yes.

22 Q. Would you ever base it on other stories that had already
23 been written for someone else?

24 A. Yes, I read old cases in the office.

25 Q. How closely in writing your own stories would you track

1236

E41JLIU4

Yu - direct

1 those stories?

2 A. Sorry?

3 Q. How closely would you follow the language of the stories
4 that you were basing it on?

5 A. I would use -- I never used the same language or sentence,
6 but I used the pattern, the logic of those stories.

7 Q. You said the same pattern?

8 A. Yes.

9 Q. When you say a "pattern," what would be a typical pattern
10 for, say, a family planning claim?

11 A. Family planning claims for female, forced abortion; for
12 male, their wife suffered a forced abortion and they want to
13 protect their wives, they say officers would detain them. It
14 was always the same pattern.

15 Q. What about for Christianity claim?

16 A. They went to private church. They don't allow private
17 church in China. The church cracked down and they were
18 arrested and detained, beat up and they left the country to
19 pursue their freedom of religion.

20 Q. You mentioned earlier you were trained by Ms. Liu. How did
21 she train you?

Contradict with her 3500. She said Victor train her, never said Liu train her

22 A. She showed me some -- on the first day I started working,
23 she handed me a bunch of old cases. She said I need follow-up
24 evidence for those cases.

25 Q. Follow-up evidence?

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E41JLIU4

Yu - direct

1 A. Yes. Those packages were not completed. We would ask the
 2 client to provide more evidence for their cases. Then she
 3 explained to me a form we should ask the client to fill in and
 4 sign with information, I should pay more attention, and she
 5 asked me to read the stories, yes, that is how she trained me.

6 Q. How long were you at the job before you realized that the
 7 applications were you working on were fake?

8 A. A few weeks later.

9 Q. A few weeks later?

10 A. Yes *(if fraud is everywhere, she as a candidate lawyer need a few weeks
 to find out by told Victor. so if Victor did tell her she will never find out
 any. even so David or karen never gave her instruction go ahead make a fake one,
 if so, she will find out at day one)*

11 Q. Was there a specific instance that caused you to find out?

12 A. Actually, my co-worker told me, Victor told me.

13 MR. FISCHETTI: Objection.

14 THE COURT: Sustained.

15 MR. EGAN: What is it?

16 THE COURT: Who is the co-worker you mentioned?

17 THE WITNESS: Victor.

18 THE COURT: I am going to allow it.

19 BY MR. EGAN:

20 Q. What did he tell you?

21 A. He told me many cases are not true. Then I got more and
 22 more clients, when I asked them what they happened to them,
 23 they cannot tell me the answer. So I felt they never had

24 persecution. *(She feel no persecution, maybe she is wrong. did David or
 Karen has the same feeling. or any knowledge about is. Obvious David or Karen
 never tell her go ahead make fake for him.)*

25 Q. Did that surprise you?

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E41JLIU4

Yu - direct

1 A. Yes.

2 MR. FISCHETTI: Objection.

3 THE COURT: Overruled. I will allow it.

4 BY MR. EGAN:

5 Q. Other than Victor, did you in this initial point talk to
6 anyone else at the firm about that?

7 A. Yes, later I talked to another attorney in my office, and
8 later on when we were closer, Ms. Feng Li and other co-workers,
9 I talked with them.

10 Q. So while you wrote these stories, would the clients
11 typically be there?

12 A. Yes.

13 Q. What else? I think you mentioned you worked on evidence at
14 this stage as well?

15 A. Yes.

16 Q. What sort of evidence would you be working on?

17 A. I also needed to prepare attesting letters from their
18 families or friends. In those letters their friends or family
19 should prove the persecution.

20 Q. You mentioned one of the first steps was talking to a
21 client about what sort of evidence they would need for their
22 claim?

23 A. Yes.

24 Q. Did each claim require different kinds of evidence?

25 A. Everybody must provide an ID, birth certificate. If

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E41JLIU4

Yu - direct

1 they're married, a marriage certificate or their case
2 certificate. Each client should provide attesting letters from
3 their family or friends and one year evidence.

4 Q. Starting with those certificates, while you're at the firm
5 did you ever know of an applicant to submit forged
6 certificates?

7 A. I don't know. *(No fake certificate submit, as Victor tested. No contact
with Chinese fake document producer either, otherwise she work there for 3 year
should would know)*

8 Q. With respect to the letters, the attesting letters, would
9 those be different depending on what type of claim?

10 A. Yes.

11 Q. For a Christianity claim, what sort of attesting letters
12 would an applicant need?

13 A. For Christian claim, the only way, we prepare three
14 letters, one letter from the applicant's family, another from
15 their church friend, and a third one from their private church
16 in China.

17 Q. Who would write these letters?

18 A. Anybody can write them. What do you mean? I am sorry.

19 Q. Who would actually draft them?

20 A. Okay, the paralegal.

21 Q. In your time at the firm, you wrote these letters?

22 A. Yes.

23 Q. How would you determine who they were from?

24 A. You know, when I prepared those attesting claims, sometimes
25 I need to ask my friend tell me your church friend's name or

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E41JLIU4

Yu - direct

1 boyfriend's name. At that moment they cannot tell me the name
2 because we also need those people's ID to attach to those
3 letters. Sometimes the client doesn't know which person would
4 help them, I mean a copy of the letter and provide the ID. So
5 we just leave their name blank, maybe a few days later we'll
6 have the client find the people who would like to help them,
7 tell us the name and we fill in the name.

8 Q. Where would the content, the actual content from the
9 letters come from?

10 A. The content?

11 Q. What the letter said, what it described?

12 A. Okay. We just read again their stories. For example, if
13 this is a Christianity case, and this letter from the
14 applicant's family, they would just say this applicant was in
15 China persecuted and sometime in -- it is almost a repeat of
16 their story.

17 Q. In writing these letters, would you ever talk to witnesses?

18 A. No. When I wrote the letter, I would never do that.

19 Q. Were these stories written on computer or by hand?

20 A. Computer.

21 Q. What about the evidence?

22 A. Our evidence?

23 Q. Well, the attesting letters?

24 A. Yes, in computer.

25 (Continued on next page)

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E41Wliu5

M. F. Yu - direct

1 BY MR. EGAN:

2 Q. In the computer?

3 A. Yes.

4 MR. EGAN: Can I pull up Government Exhibit 677, and
5 can I zoom in on the screen itself. Actually, zoom out for a
6 sec. Sorry. At the very top, in the blue, at the sort of
7 title bar there.

8 Q. What does that say up there?

9 A. Attesting letters.

10 Q. Do you know what CN means?

11 A. That means Chinese version.

12 Q. Chinese version?

13 A. Yes.

14 MR. EGAN: Can we zoom in on the sort of top portion
15 there.

16 Q. Take a moment to look at that. What does that look like to
17 you?

18 A. That's a draft of attesting letter.

19 MR. EGAN: And can we actually put up the translation
20 side by side.

21 Q. Do you see there are a couple places there where it says
22 XXX. Starting with the date, why would XXXs be used in the
23 date?

24 A. Based on my experience, when the paralegals preparing these
25 letter, the applicant didn't provide the name of the, of the

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E41Wliu5

M. F. Yu - direct

1 peoples so we just use XX to symbolize the name.

2 Q. To be filled in later?

3 A. Yes.

4 Q. What about for the date? Why would the date have Xs in it?

5 A. We want to tell the client just to fill the date when your
6 friend copy this letter back hand, I mean, on the date.

7 MR. EGAN: You can take those down.

8 Q. After you were done typing up the story and the letters,
9 what would you do with it?

10 A. I would print them out, hand them to our clients. Then
11 they will send those letters back to China and ask their
12 families and friends to copy the drafts by hand, then mail
13 back.

14 Q. Before that step, did your letters and stories have to be
15 reviewed by anybody?

16 A. Yes. Yes. After I wrote a story and attesting letters,
17 Ms. Liu or other attorneys will review them.

18 Q. When you first started at the firm, who did most of the
19 reviewing?

20 A. Ms. Liu.

21 Q. When did you start giving to other attorneys?

22 A. In about 2009, Feng Li took over the job. He reviewed my
23 stories and Victor's stories.

24 Q. And in your experience, even after 2009, would Ms. Liu
25 still review letters and stories?

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E41Wliu5

M. F. Yu - direct

1 A. Yes.

2 Q. So what would she do with the letters and stories?

3 A. She would review the logic and language.

4 Q. The logic and language?

5 A. Yes, yes. And at an early stage of my early stage as a
6 paralegal, I don't have experience. Sometimes logic of story
7 doesn't sound credible.

8 Q. When you say the logic of the story, what do you mean?

9 A. I mean I made up the story so sometimes it doesn't sound
10 like a real story. So the logic is not sounds like a real
11 story.

12 Q. When she reviewed that, would she indicate her comments
13 anywhere?

14 MR. FISCHETTI: Objection. Leading.

15 THE COURT: I'll allow it.

16 A. Yes. Yes. She, she would just make note, make notes on my

17 drafts. Sometimes add and delete some sentence I wrote.

(No evidence about the note, if any. she is attorney, she have link with James Lin, if there any notes, she will offer with other evidence to the court)

18 Q. Say that again. Add or --

19 A. And delete the sentences I wrote, and change some scenarios
20 without confirming with the clients.

21 Q. When you say change scenarios, what do you mean by that?

22 A. I can, in that draft, I didn't mention the clients was beat
23 up so severely, but she would just add the sentence to describe
24 how or when and how the client was beat up.

25 Q. Would she ever explain to you why she was making the

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E41Wliu5

M. F. Yu - direct

1 changes she made?

2 A. At first she explain sounds credible, sounds better.

3 Q. And you said that when she made these changes, would she
4 talk to the client?

5 A. No.

6 Q. Were there any other details of the story she would change?

7 A. Yes. A few times, she change the claim completely.

8 Q. What do you mean by that?

9 A. I had a case that is a female applicant. At first her
10 claim is family planning and I wrote a story. Her, she did
11 gave, give birth to boy in government hospital in China. I
12 just wrote the story based on her real life, just to add some
13 persecution part. Then I handed the story to Ms. Liu. But
14 since this woman already gave birth to baby in China, so it's
15 not easy to win the case, Ms. Liu just kept this case. A few
16 months later, I met this applicant again. I talked with her.

17 She said her claim changed to Christianity. But those cases
18 didn't happen very often.

*(client complain you are lazy and made fake story for her, so she did like you,
she ask other paralegal help pursue her real claim)*

19 Q. When Ms. Liu would make comments, how would she make
20 comments, orally or in writing?

21 A. In writing.

22 Q. And where would she make those comments?

23 A. Just on my drafts.

24 Q. After you got the comments, what would you do with that?

25 A. Then I went back to my computer and change my copy based on

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E41Wliu5

M. F. Yu - direct

1 her, just on her notes, then print the drafts out, let the
2 client copy by hand.

3 Q. You said let the client copy by hand?

4 A. Yes.

5 Q. Why did the client copy by hand?

6 A. So seems the story were written by themselves.

7 Q. What about the letter, what would you do with the letters?

8 A. The same thing. After Ms. Liu or Feng Li review, I just
9 ask her clients to copy by hand.

10 Q. And did you give them any instructions with respect to
11 those letters?

12 A. I'm sorry?

13 Q. Did you give them any instructions about what to do with
14 those letters?

15 A. Yes.

16 Q. What were those instructions?

17 A. Sometimes we would suggest use different, different style
18 paper to copy the letters. Don't use the same paper for, for
19 every letters.

20 Q. And why not?

21 A. If the same paper, the same, seem like fake.

22 Q. And any other advice you would give them?

23 A. Yes. We want make sure they, the date on the letter are
24 different.

25 Q. The dates on the letter?

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E41Wliu5

M. F. Yu - direct

1 A. Yes.

2 Q. Why was that important?

3 A. They use the same kind of paper and wrote the letter on the
4 same date, seems too coincident, seems fake.

5 Q. I think you said earlier they would then send these letters
6 back to China?

7 A. Yes.

8 Q. When they were sent back, were they sent back to the
9 applicant or to the firm?

10 A. To the firm.

11 Q. So you've mentioned certificates and the letters. You also
12 mentioned one-year evidence. What is one-year evidence?

13 A. One-year evidence, we required the client to prove
14 witnesses. The witnesses must prove affidavit and the
15 affidavit shows the witness met the applicant in China within
16 one year before the applicants made the asylum application.
17 And also, if they can, we would ask them to provide some
18 shopping receipt or airline ticket to show they, that some of
19 their asylum application one year after they arrive in this
20 country.

21 Q. In your experience at the firm, were there ever people who
22 had been in the country for more than a year?

23 A. Many of them.

24 Q. Dealing with specifically that first type of evidence, how
25 would they get a witness?

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E41Wliu5

M. F. Yu - direct

1 A. Sometime they just ask their family or friends do a favor
2 and sometime they, they just use money to pay a witness to
3 testify for them.

4 Q. Did you ever see, in your experience at the firm, someone
5 who testified as a one-year witness for more than one
6 applicant?

7 A. Yes.

8 Q. Were there ones who testified for several applicants?

9 A. Yes.

10 Q. You also mentioned getting receipts. How would a client
11 get receipts showing they'd been in China within the last year
12 when they had not been?

13 A. Some clients told me their families in China bought the
14 blank receipts and their families are filling the blank
15 receipts just to fill the products they bought in China and put
16 the date in the receipts.

17 THE COURT: When you said receipts, did you say blank
18 receipts?

19 THE WITNESS: Yes.

20 BY MR. EGAN:

21 Q. Other than receipts, were there other types of evidence
22 along the lines of what you're describing?

23 A. Sometime they, they can buy airline tickets.

24 Q. An airline ticket?

25 A. Yes.

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E41Wliu5

M. F. Yu - direct

1 Q. How would they get an airline ticket?

2 A. Just they buy the ticket. I don't know how they get them.

3 Q. When you say buy the ticket, do you mean a real ticket or
4 fake ticket?

5 A. Fake ticket.

6 Q. Would they buy that in the United States or in China?

7 A. In China.

8 MR. MAHER: Judge, could we approach briefly.

9 THE COURT: Yes.

10 (Continued on next page)

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E41Wliu5

M. F. Yu - direct

1 (At the side bar)

2 MR. MAHER: Judge, I just wanted to reraise the
3 objection we made earlier. Almost every question is being
4 framed as would, would you have met clients, what would
5 Mrs. Liu or other lawyers have said, what would they have done,
6 what would you have done. There is absolutely no specificity
7 at all, and I don't think it's proper. I don't think it's
8 proper testimony and not proper questions, and my concern as
9 far as my client, Ms. Bandrich, is that it's going to spill
10 over, that the jurors will think there's just generalized
11 practice going on with no specificity at all.

12 MR. FISCHETTI: Can I just join in that, please. I
13 raised that before, Judge, and one of the problems with it is
14 that the questions are inherently leading, Would you, would
15 they, and really suggesting the answer. And that dovetails to
16 what we're talking about. The defense of this case, Judge,
17 basically is going to be, and I think the government knows and
18 may well be put forth by me, that there are a number of people
19 that worked for Feng Ling Liu in the firm that may have been
20 doing corrupt things, but she basically didn't know about it.
21 So every time he says the firm, it's Feng Ling Liu's firm and
22 it impacts my client, and I don't think he should use that
23 term. Your Honor allowed it last time.

24 THE COURT: Allowed what term?

25 MR. FISCHETTI: The firm. I objected to that and your

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E41Wliu5

M. F. Yu - direct

1 Honor overruled my objection and said they can say the firm.
2 What Mr. Egan is saying, he's making this a fraud factory.
3 That may be his argument, but he can't say the firm. The
4 testimony that my client trained her is going to be tested by
5 me, and that's okay, if he wants to say that, but he can't keep
6 continually saying the firm would do this.

7 MR. EGAN: I asked what she did. I said in your
8 experience at the firm, what did you do when somebody --

9 MR. FISCHETTI: I think you're saying what would they
10 do, what would the firm do.

11 THE COURT: I thought I had actually sustained these
12 objections in the past and I think I've indicated once before
13 that the government should be careful to make sure they're
14 eliciting what particular people did, and I know you've been
15 asking what she did, but instead of using the word "would," and
16 I think I've said this before, ask what did happen, what did
17 you see, not what would happen, but what did you see. And in
18 doing that also be sensitive not to lead, but focus more on
19 what actually happened and who did it and not what would happen
20 as a matter of course.

21 MR. MAHER: Also what she did, what would she have
22 done.

23 MR. EGAN: I apologize. I don't believe I was asking
24 that. If I was, I'll look back at it. I'm trying to ask what
25 she did in the circumstances. Obviously she worked there for

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E41Wliu5

M. F. Yu - direct

1 three years, and she is trying to provide examples.

2 THE COURT: If she provides an example, I think you
3 can follow up and say when that happened, what did you do, as
4 opposed to what would you do. Okay?

5 MR. EGAN: All I'm trying to get at is, and it seems
6 to me completely permissible, you worked here and you dealt
7 with, and I try to preface it with you dealt with a lot of
8 situations, did you have people who had been here more than a
9 year, yes, many of them, how did you handle those situations.

10 THE COURT: Again, that's fine. Asking what she
11 actually did is fine. I think the objection is to the words
12 "what would you do," and I think we have had this conversation
13 before, as opposed to, What did you do when you were
14 encountering X situation. So let's focus more on what was done
15 and be sensitive to not grouping people together and not talk
16 about the firm, but who did what. I think you have been
17 focusing on individuals. Okay?

18 MR. MAHER: Okay.

19 MR. FISCHETTI: Thank you, Judge.

20 (Continued on next page)

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E41Wliu5

M. F. Yu - direct

1 (In open court)

2 BY MR. EGAN:

3 Q. What documents were included in the initial submission that
4 you made to the asylum office?

5 A. About the application, I did cover birth certificate,
6 marriage certificate, kid certificate.

7 Q. What was that last one?

8 A. Children's certificate.

9 Q. Children's certificate?

10 A. Yes. And the 5A9 application form, their story and their
11 attesting letters and the affidavit from, from the one-year
12 witness.

13 Q. When all those documents were assembled, who signed the
14 form at that point?

15 A. Always attorneys sign at the firm.

16 Q. Was there a particular attorney whose job that was, or
17 could any attorney sign?

18 A. Could any attorney. Ms. Liu assign the job which attorney
19 should sign the application.

20 Q. And who, when you started, were the attorneys at the firm?

21 A. Ms. Liu herself.

22 Q. And who were the other attorneys?

23 A. Then Feng Li sign the application form. Then I sign and
24 Bebe Xue sign a few and Troy Moslemi sign.

25 Q. When you signed those forms, would you ever review the

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E41Wliu5

M. F. Yu - direct

1 documents?

2 A. No. My job is only to sign on the firm. I don't have

3 authorization to review the application.

As lawyer you just sign the paper and don't have right to review it? who will believe it.

4 Q. When you say your job is to review the form, who told you
5 that was your job?

6 A. Ms. Liu said, she call me to sign those forms.

7 Q. She called you?

8 A. Yes.

9 Q. What do you mean by that?

10 A. Because in 2010, she didn't come to office very often, so
11 we really communicate through phone. I remember one day she
12 call me, From now on please sign those application forms.

13 Q. One second. Let me hand you what's in evidence as
14 Government Exhibits 505, 507, 508, and 513, already in
15 evidence. I just want to show you some examples. Starting
16 with 505, if you can take a moment to look at that, do you
17 recognize that?

18 A. Yes. I prepared this application form, her story and her
19 attesting letters. Her story is not true.

20 Q. In what way is it not true?

21 A. I wrote the story for her. She didn't tell me her
22 persecution and even her relationship with her boyfriend I made
23 up.

24 Q. Do you know whether she had a boyfriend?

25 A. I don't know.

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E41Wliu5

M. F. Yu - direct

1 Q. What kind of claim was that?

2 A. It's a family-planning claim, and in her story she claimed
3 she, the Chinese government gave her forced abortion because
4 she got pregnant before marriage.

5 Q. And turning to Government Exhibit 507, you can take a
6 moment to just look at that. Do you recognize that?

7 A. Yes, I remember this male applicant.

8 Q. You said male applicant?

9 A. Yes.

10 Q. What do you remember?

11 A. I prepared his story. He's a very quiet, quiet man. He
12 didn't talk too much. I just based on her -- his marriage and
13 when his children were born and made up the story.

14 Q. So the details you described first, that's what the
15 information you had?

16 A. Yes.

17 Q. What kind of claim is it?

18 A. Family planning. In the story, he claim his wife suffered
19 a forced abortion and he, when he protected his wife, he was
20 detained by the family planning officers and beat up by the
21 family planning officers.

22 Q. Now look at Government Exhibit 508. Do you recognize that
23 one?

24 A. Yes.

25 Q. What do you remember about that application?

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E41Wliu5

M. F. Yu - direct

1 A. I remember this girl. I, I wrote this story.

2 Q. What kind of story is it?

3 A. Also family planning.

4 Q. What's the nature of the persecution?

5 A. She, she got pregnant before marriage and family planning
6 officers forced abortion on her baby.

7 Q. Was that story real or fake?

8 A. Fake.

9 Q. What parts of it are fake?

10 A. From her relationship with her boyfriend to her
11 persecution, all a fake.

12 Q. All of that is fake?

13 A. Yes.

14 Q. Looking at Government Exhibit 513, do you recognize that
15 one?

16 A. Yes. It's a Christian case.

17 Q. What do you remember about that case? What was your role
18 in that application?

19 A. I know this story. I remember this applicant's face. It's
20 a Christian case. She -- he said he believed in Christian in
21 China, attending a private church in China, but he was arrested
22 and detained for a while.

23 Q. Is that story real or fake?

24 A. Fake. I wrote it for him. He didn't tell me.

25 Q. What, if any, details in there are real?

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E41Wliu5

M. F. Yu - direct

1 A. I used, when I, maybe I, when I wrote the story, I, I asked
2 him who provide you attesting letter, just to give me the
3 relationship, the people who provide you letter, maybe he tell
4 me his aunt would write a letter for him. So I just wrote his
5 aunt introduced him to the church.

6 Q. You can put that down. Just to be clear, are the
7 applications you're looking at the only fake applications you
8 worked on?

9 A. No.

10 Q. After an application was submitted, did the firm have any
11 more interaction with the client?

12 A. Yes. We would prepare them for the asylum interview.

13 Q. Whose job was it to prepare them?

14 A. Several people did that job. Harry, Lucy, Lillian, Victor,

15 Andy, Vivian.

David never prepare them, otherwise he will find out the fraud and stop it.

16 Q. Who is Andy?

17 A. Andy, Andy is Ms. Liu's niece -- nephew. I'm sorry.

18 Q. And how long after the application was submitted would the
19 asylum interview take place?

20 A. A few weeks.

21 MR. EGAN: I don't know if we're taking an afternoon
22 recess.

23 THE COURT: Why don't we take a break, but really keep
24 it to five minutes to use the restroom and come back.

25 (Recess)

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E41Wliu5

M. F. Yu - direct

1 THE COURT: How are we doing on scheduling? Same
2 expectation?

3 MS. MERMELSTEIN: I think we are a little behind where
4 we thought we'd be today, but we still think we will rest this
5 week.

6 (Jury present)

7 THE COURT: You may proceed.

8 MR. EGAN: Thank you.

9 Q. We were talking about preparation for the asylum interview
10 stage. Did the firm maintain any materials to help with that
11 process?

12 A. I'm sorry? Can you repeat.

13 Q. Did the firm maintain any materials to help with the
14 preparation for the asylum interview?

15 A. Yes.

16 Q. What sort of materials?

17 A. We have some religion knowledge, Christianity knowledge,
18 falun gong knowledge, and the question the asylum officers will
19 ask.

20 Q. When you say knowledge, what do you mean?

21 A. We have some Q & A.

22 Q. Q & A?

23 A. Yes. Like the question about the religion and we provide
24 the answer. We would hand those documents to our client, ask
25 them to memorize those knowledge.

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E41Wliu5

M. F. Yu - direct

1 Q. And you had these for things other than religion?

2 A. Yes. Also for falun gong.

3 Q. In your experience, how often were clients granted asylum
4 at the asylum interview stage?

5 A. No more than five percent.

6 Q. Did the firm take any steps to try to increase the
7 percentage of applicants who were approved at this stage?

8 A. Yes.

9 MR. FISCHETTI: Objection.

10 THE COURT: Sustained.

11 BY MR. EGAN:

12 Q. Did anyone at the firm take steps to increase the approval
13 rate at this stage?

14 A. Yes.

15 Q. Who?

16 A. Victor You. In about 2010, Ms. Liu send Victor to asylum
17 office. He, he worked there as interpreter there, and he
18 listened what the asylum officers would ask, and when he came
19 back to the office, he create a lot of documents, including the
20 Q & A, the asylum officer's question, and which asylum officer
21 is easier to grant the case.

22 Q. Which asylum officer was easier to grant the case?

23 A. Yes.

24 Q. How would the firm, how would, would someone, how was that
25 information used?

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E41Wliu5

M. F. Yu - direct

1 A. He create some documents to bring out and hold them on the
2 wall of the office and he also prepare the clients for the, for
3 asylum interview. He also train other paralegals about the
4 preparation.

5 Q. Who directed him to do this?

6 A. Ms. Liu.

7 Q. What happened if someone is not granted asylum at the
8 interview stage?

9 A. They need to go to court.

10 Q. To immigration court?

11 A. Yes.

12 Q. So after they get their denial, what's the next step?

13 A. You mean at the asylum office?

14 Q. So if they get denied at the asylum office, what's the next
15 step?

16 A. They would try to schedule master hearing first.

17 Q. What's a master hearing?

18 A. The judge set up a meeting.

19 Q. Set up a meeting, you said?

20 A. Yes. And the applicant should appear at the court and the
21 judge would ask the basic information about the, the case and
22 then schedule individual hearing.

23 Q. What was the time period typically from rejection at the
24 asylum office to a master calendar hearing?

25 A. I'm sorry. From asylum office?

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E41Wliu5

M. F. Yu - direct

1 the handwriting there?

2 A. Yes. Vanessa's handwriting.

3 Q. And what about Government Exhibit 402?

4 A. Vanessa's handwriting, too.

5 Q. You can put those down.

6 Among the lawyers at the firm, were there any that you
7 were close with or saw socially?

8 A. Yes. I was close with Betty, Bebe Xue, Victor, Feng Li,
9 and Vanessa.

10 Q. What did you guys do together?

11 A. Sometime we had lunch together and with some people we hang
12 out very often.

13 Q. How frequently would you have lunch with those people?

14 A. A few weeks, every few weeks.

15 Q. Did you guys ever discuss what happened at the office?

16 A. Yes.

17 Q. What did you discuss?

18 A. When we had lunch, we talked the cases we had, we had, and
19 mistakes of those cases and our concerns about the case and our
20 jobs.

21 Q. When you say concerns about your case and your job, what do
22 you mean by that?

23 A. You know, because a lot of cases are fake, when people
24 fabricate those documents, they're very easy to make mistakes,
25 so when we represent clients in court, so we have so many

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E41Wliu5

M. F. Yu - direct

1 mistakes, it's so embarrassed, and we know this job is illegal.

2 I, I expressed several times during the lunch and worry about
3 this job, I'm worried about getting into trouble, so I want to
4 quit the job.

5 Q. Which individuals did you express those concerns to?

6 A. I expressed to several people, Victor, Feng Li, Vanessa.
7 And other people.

8 Q. What, if any, response did you get from Victor?

9 A. Victor? You mean Victor? He raise, he quit the job
10 first -- no. He was fired.

11 Q. Do you remember ever raising these concerns with Vanessa
12 Bandrich?

13 A. I'm sorry. What's the question?

14 Q. Do you ever remember raising these concerns at a lunch
15 where Vanessa Bandrich was?

16 A. Her concern or my concern?

17 Q. Your concerns.

18 A. My concern. Yes. I talked about I'm afraid the office
19 have been targeted by the government because we had many bad
20 cases and before, in two, in the summer of 2011, the office had
21 a very bad case. My signature in the form, I never reviewed.
22 The asylum officers found out that case. The applicant just
23 admit everything were prepared by the office, not her, and my
24 signature was there, so I was very scared. I expressed my
25 concerns many times.

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E41Wliu5

M. F. Yu - direct

1 A. Yes.

2 Q. In the immediate lead-up to your leaving?

3 A. I'm sorry?

4 Q. Immediately prior. I know you discussed some other
5 conversations, but immediately prior to leaving, did you have
6 any discussions about concerns that you had?

7 A. Yes. I also had such conversation with Ms. Liu in person.

8 Q. With Ms. Liu?

9 A. Yes. As I told, when that bad case happen, there are a lot
10 of rumors around the office, so I think everybody in the office
11 was scared.

12 MR. FISCHETTI: Objection. "I think everybody."

13 THE COURT: Just say what particular people did, to
14 the extent you remember. Don't kind of group them together and
15 say everyone did this. Say who you remember doing what. Okay?

16 THE WITNESS: Okay.

17 THE COURT: Thank you.

18 A. Okay. You know, one day, Ms. Liu came to the office. She
19 had a private conversation with Feng Li first. I sat at same
20 office with Feng Li. I overheard what they were talking about,
21 and then she moved to my desk and she talked with me about that
22 case and she also said don't worry, if the government give the
23 trouble to this office, the government want her or David, it's
24 not me or Feng Li, so she try to comfort us.

25 Q. Now, also, going back to sort of preparation, you mentioned

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E41JLIU6

Yu - direct

1 Q. When attorneys prepared clients, would they use any of the
2 materials that you described that were used in preparing for
3 the asylum interview?

4 A. I don't know.

5 Q. Did you use --

6 A. Yes, I used those documents.

7 Q. I want to -- if we can pull up Government Exhibit 407 -- if
8 we can do 407 T as well.

9 Do you recognize that?

10 A. Yes, that's the Christian knowledge I mentioned Q and A.

11 Q. Did you use that while working at Feng Ling Liu law firm or
12 Moslemi Associates?

13 A. Yes. I often gave those knowledge to our clients before
14 the interview interview and the hearing.

15 Q. If we can pull up Government Exhibit 408 and 408 T. Do you
16 recognize this?

17 A. Yes, it is another version of Christian knowledge.

18 Q. Did you use this while you were working at Feng Ling Liu or
19 Moslemi?

20 A. Yes.

21 Q. How would you use it in your preparation?

22 A. I would bring them out and hand them to the clients and ask
23 them to memorize every question in this paper.

24 Q. Looking at Government Exhibit 410, do you recognize that?

25 A. Yes, also Christian knowledge.

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E41JLIU6

Yu - direct

1 Q. Now, you testified -- you can take that down -- that
2 shortly after you started working there, you realized that most
3 of the applications were fake.

4 Why did you stay?

5 A. They cannot tell me what happened on them.

6 Q. Why did you stay at the firm?

7 A. Because it is a long story. At first I wanted to take the
8 Bar exam. Then my husband came to the United States, so we
9 needed a job because I needed status. My husband got status, I
10 can transfer based on him, so I needed the job.

11 Q. You testified previously about sharing your concerns with
12 people. Was there ever a time that people at the firm took
13 steps to protect itself?

14 A. Yes.

15 Q. When was that?

16 A. In early 2009 Ms. Liu changed the firm's name under choice,
17 Moslemi. In 2011 she asked Harry to create a new firm.

18 Q. She asked Harry to create a new firm?

19 A. Yes.

20 Q. Starting with the name change, did anyone ever tell you why
21 that was being done?

22 A. Yes.

23 Q. Who told you?

24 A. Try and Victor told me.

25 Q. What did they say?

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E41JLIU6

Yu - direct

1 A. He said Ms. Liu doesn't want to attract the government's
2 attention because the firm is so big, they have so many cases.

3 Q. What, if anything, happened around 2009 that led to some of
4 these changes?

5 A. I am sorry?

6 Q. What, if anything, happened in 2009 that led to some of
7 these changes?

8 A. 2009, they changed the name while I was preparing for my
9 Bar exam. When I came back from my vacation, the name already
10 changed.

11 Q. Was there ever a time where other changes were discussed or
12 implemented?

13 A. Yes, yes. In 2009 one day Troy came to our paralegal's
14 office and he said an immigration office in Boston was cracked
15 down by the government because they were doing the same thing
16 like we did.

17 He was scared and then he talked this issue of this
18 Harry. I believe he also talked the business knew about this
19 case. So later the office policy changed. We tried to ask the
20 client to --

21 Q. First, before you get into that, who communicated these
22 policy changes?

23 A. I forgot the specific person. Should be Ms. Liu.

24 Q. Do you remember any specific --

25 MR. FISCHETTI: I didn't hear that answer.

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E41JLIU6

Yu - direct

1 THE COURT: Would you repeat the answer please.

2 MR. FISCHETTI: Did you say should be? I object and
3 move to strike.

4 THE COURT: It is not the specific person should be,
5 Ms. Liu. You can't say who somebody should be. You have to
6 say what you remember actually happening.

7 THE WITNESS: Okay.

8 BY MR. EGAN:

9 Q. Do you remember any specific meeting or changes about a
10 conversation about these changes?

11 A. Yes.

12 Q. Describe that meeting.

13 A. The meeting in our paralegal's office, we were notified,
14 asked the client to draft their story first. We can change it
15 based on their drafts.

16 Q. The first step, who called this meeting?

17 A. I am sorry, I forgot the specific person.

18 Q. One policy change you said that the clients were going to
19 draft the story first?

20 A. Yes.

21 Q. And what other steps?

22 A. And the client drafted the attesting letter based on their
23 story. Then we review their story and attesting letter and
24 make some changes.

25 Q. If the stories weren't real, what did the clients base

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E41JLIU6

Yu - direct

1 their stories on?

2 A. You know, when I asked the client to write their stories,
3 many, many people don't know how to write. So I always gave
4 them some samples.

5 Q. Some samples?

6 A. Yes.

7 Q. Did this policy, this having clients write their stories
8 first, did that get implemented?

9 A. Yes.

10 Q. How long did it last?

11 A. For me, I carried out that policy a few months, but I had
12 so many cases, a lot of the clients don't know how to write, so

13 sometimes I just gave up and I wrote for them.

(David never allow you wrote for them, you just are lazy, don't have patient)

14 Q. You just went back to writing for them?

15 A. Yes.

16 Q. What other policy changes?

17 A. Like we were told never talk sensitive, have any sensitive
18 conversations through phone, always ask the client to come to
19 the office.

20 Q. Why was that?

21 A. Because there is a rumor the government has already tapped
22 our phone.

23 Q. Any other policy changes?

24 A. Sorry, I forgot.

25 Q. Those are the ones you remember?

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E41JLIU6

Yu - direct

1 A. I am sorry?

2 Q. When you would write a story and get comments back, what
3 would you do with the draft that had comments on it?

4 MR. GERMAN: Objection.

5 THE COURT: What did you do?

6 BY MR. EGAN:

7 Q. What did you do with the draft that had comments on it?

8 A. At first I don't know how to protect myself, so I just
9 delete the draft.

10 Q. Did there come a time when that changed?

11 A. Yes. In the summer 2010 Ms. Liu asked to destroy the
12 drafts in every files. She used several months to do this.

13 Q. Who is Ann?

14 A. Ann, Ann is another paralegal in the office, and she's a
15 sister of David.

16 Q. When you say the "files," are those the hard copy files?

17 A. Yes.

18 Q. What, if anything, was done to the computer files, if you
19 know?

20 A. In the computer I always saved the final version. As I
21 know when Tom, who did the translation, translated the Chinese
22 story to English, he always deleted the Chinese version in our
23 computer.

24 Q. After Ann was asked to destroy these, did that change your
25 practice?

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E41JLIU6

Yu - direct

1 A. At that time I had already been working as an attorney.

2 Q. So you weren't dealing with the stories any more?

3 A. I didn't need to write the story.

4 Q. Did you, in response to these concerns, did you take any
5 personal steps to protect yourself?

6 A. Yes.

7 Q. What did you do?

8 A. Before I left the firm, I had some conversation with
9 Victor. He said we were getting travel in the future so to
10 protect ourselves, get some documents from the office, maybe
11 someday we will use it to protect ourselves.

12 Q. Again when did you end up leaving the firm?

13 A. October 15, 2011.

14 Q. Why did you leave on that date?

15 A. My husband H-1 visa expired on October 1st. I told Ms. Liu
16 I want to quit.

17 Q. That day you told her?

18 A. The first week of October, but she wanted me to stay one
19 more week, so I left on October 15th.

20 Q. Where, if anywhere, did you work after that?

21 A. From October 15th until I got --

22 Q. Until you got what?

23 A. -- deferred action.

24 Q. What is deferred action?

25 A. Deferred action is a different action of removal.

1279

E41JLIU6

Yu - direct

1 A. Yes.

2 Q. You would have been able to if you did not have that
3 document?

4 A. No.

5 Q. So you needed that document to be able to return?

6 A. Yes.

7 Q. You mentioned working with the FBI. When did the FBI first
8 approach you?

9 A. February 2012.

10 Q. How long had you been gone from the firm at that point?

11 A. Four months.

12 Q. When they approached you, do you remember who approached
13 you?

14 A. Yes. FBI officer Dan Cruz and another officer, I forgot
15 what his name.

16 Q. What, if anything, did they say to you?

17 MR. FISCHETTI: Objection.

18 THE COURT: Sustained.

19 BY MR. EGAN:

20 Q. They spoke to you?

21 A. Yes.

22 Q. After that conversation, did you agree to cooperate with
23 the FBI?

24 A. Yes.

25 Q. I am showing you what is marked for identification as

1281

E41JLIU6

Yu - direct

1 A. No.

2 Q. Has the government or anyone else made any promises to you
3 that are not included in that agreement?

4 A. No.

5 Q. As part of your agreement, did you plead guilty to certain
6 crimes?

7 A. Yes.

8 Q. What crimes are those?

9 A. Immigration fraud.

10 Q. Do you remember how many different crimes you pled to?

11 A. I am sorry? I forgot.

12 Q. Did you plead to a count of immigration fraud?

13 A. Yes.

14 Q. Did you plead to a count of conspiracy to commit
15 immigration fraud?

16 A. Yes.

17 Q. When did you --

18 MR. MAHER: Is the witness reading the document?

19 THE COURT: Just answer based on your memory.

20 THE WITNESS: Yes.

21 THE COURT: If you can't remember something, just say
22 you can't remember, okay?

23 THE WITNESS: Okay.

24 THE COURT: Don't look at a document or anything else.

25 THE WITNESS: Okay.

1316

E42Wliu1

1 MR. GERMAN: Yes, your Honor. It's a pretty
2 straightforward issue. On potential Government Exhibit 112T,
3 there is approximately eight pages of recorded or transcribed
4 statements. Essentially, so your Honor understands, the CI
5 goes to the Bandrich law firm and is given his personal
6 statement to review and write out in Chinese. While he's doing
7 this, he's sitting at a table and the recorder continues to go.
8 The government has transcribed, I believe, six different
9 unidentified individuals in addition to Ms. Yang. We don't
10 know the context of these conversations. We don't know who is
11 speaking to whom.

12 First of all, it's hearsay. We have no idea who these
13 individuals are, and so I approached the government a few days
14 ago. This isn't a situation, your Honor, where we're just
15 trying to remove two sentences in the middle of a dialogue
16 between the confidential human source and Ms. Yang. This is
17 straight dialogue for eight straight pages. So what we're
18 talking about is just blocking out and redacting eight straight
19 pages and simply resuming once the confidential human source is
20 once again having a dialogue directly with Ms. Yang.

21 I think it's hearsay. I think even if it's relevant,
22 it is very confusing. We have these unidentified parties. Who
23 are they? What are they talking about? There's
24 unintelligibles all over the place in this part of the
25 transcript. And I thought we would be able to resolve it. I

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E42Wliu1

1 MR. EGAN: I'd ask you to stop there.

2 Q. Ms. Yu, first of all, the two voices that the jury heard
3 there, who were those two voices?

4 A. Vanessa and me.

5 Q. Had you ever heard while working at the firm Ms. Liu or
6 rumors that Ms. Liu wanted to close down the office?

7 A. Yes.

8 MR. MAHER: Judge, I'm going to object as far as
9 rumors.

10 THE COURT: Sorry. I didn't hear the basis of the
11 objection. Oh, as far as rumors.

12 MR. MAHER: Yes.

13 THE COURT: Yes. I think that's right. Sustained.

14 BY MR. EGAN:

15 Q. Had you ever heard that? First of all, when you're
16 discussing Ms. Liu here, we've heard a number of Ms. Lius, who
17 do you mean?

18 A. Feng Ling Liu.

19 Q. Have you ever heard from anybody that she was considering
20 closing down the office?

21 A. Yes.

22 MR. MAHER: Objection to leading, your Honor.

23 THE COURT: Please don't lead. Just ask who she heard
24 something from, if she heard it.

25 MR. EGAN: I was just trying to establish if she heard

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1 E42Wliu1
something like that.

2 Q. Who did you hear that from?

3 A. I heard it from Feng Li and Ann.

4 Q. And Ann?

5 A. Yes.

6 Q. What did Feng Li tell you?

7 A. Feng Li says Ms. Liu talked with him before and she
8 expressed her concern about safety of the firm and she said she
9 was thinking about to close the firm, but she also said her
10 husband, David, wants Feng Li to keep the business going.
11 That's --

12 Q. What do you mean by the safety of the firm?

13 MR. FISCHETTI: Objection.

14 MR. EGAN: It's her statement.

15 MR. FISCHETTI: What did she mean?

16 MR. EGAN: No. What did the witness mean when she
17 just testified about safety of the firm.

18 THE COURT: Just tell us what you meant, not what you
19 think that someone else might have meant. Okay?

20 THE WITNESS: Okay.

21 A. I mean the safety of the office. I mean we're doing a lot
22 of illegal thing. We filled a lot of fraud application, and we
23 were worried about the government target at us, our office.

24 Q. Do you recall the incident that is described here where
25 Ms. Liu tried to comfort you?

E42Wliu1

1 A. Yes.

2 Q. Describe the circumstances of that.

3 A. In summer, in about July 2011, a female applicant failed a
4 fraud application and the asylum officers just found evidence
5 against her and she, when asked at interview she told asylum
6 officer our office prepared a story for her, prepared
7 everything for her. So my signature was on that application.
8 That female applicant returned to our office after the asylum
9 interview. She told what happened at the asylum office to
10 Ms. Liu and David. Ms. Liu and David ask her to write
11 affidavit saying that it's her who wrote the statement, she
12 never told us she been living in this country more than one
13 year. And they also ask her to hide it from the government,
14 and I was very worried about this case because my signature was
15 on the application form. Li Feng also worry about and I also
16 talk with Ann, Lillian. I express my concern to those people,
17 so one day --

18 MR. MAHER: Objection at this point, Judge. It's no
19 longer responsive.

20 THE COURT: I'll let her finish her answer.

21 A. One day, Ms. Liu came to our office. She had talked to
22 Feng Li first about this case and about the worries and the
23 concerns around the office. Then she came to my desk and she
24 said, Don't worry about that case, they will handle well, and
25 if the government wants give some trouble to this office they

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E42Wliu1

1 want her and David, it's not me and Brandon.

2 Q. I want to turn your attention in the transcript to page 16
3 where it begins, "So Ms. Liu."

4 MR. GERMAN: Ms. Geier, can we play that.

5 (Audio recording played)

6 BY MR. EGAN:

7 Q. Ms. Yu, while you were working at the firm, did you ever
8 cut and paste a story directly?

9 A. I never done that.

10 Q. Why not?

11 A. Most time, I made up the story, but I would write a new one
12 based on, based on life experience of the applicants.

13 Q. Why is it a problem to cut and paste?

14 A. They will look very similar.

15 Q. In terms of similarity, when you said, "Every time a
16 Christian story comes, same thing," what did you mean by that?

17 A. I mean for every Christian story, we have the same story
18 logic, same story pattern. First paragraph we would introduce
19 to applicant background where he come from, how he believe
20 Christianity. And then second paragraph we would say where he
21 attended private church in China. And the third paragraph we
22 would say how he was arrested, he was detained and beat up.
23 Then last we would say how he left the country. Always the
24 same thing.

25 Q. If I can ask you now to turn to 133T, what is this? You

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1 E42Wliu1
said this was a transcript of another recording you made. Who
2 was involved in this?

3 A. Vanessa and me.

4 Q. What were the circumstances?

5 A. We had lunch at same cafeteria.

6 Q. And when did this take place?

7 A. June 2012.

8 Q. I ask you to turn to page three. About two-thirds of the
9 way down, it says, "Just like what I told you before."

10 MR. EGAN: And, Ms. Geier, we can play that.

11 (Audio recording played)

12 (Continued on next page)

13

14

15

16

17

18

19

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1337

E2401iu2 M.Yu - direct

1 A. If I can pause there for a second.

2 The amendment to the application that are described,
3 when you worked at the firm, did you ever have to do things
4 like that?

5 A. Yes, many times.

6 Q. Under what circumstances?

7 A. When we prepared package, we, the paralegal often made
8 mistakes in the stories or attesting letters, so to corrected
9 those mistakes, we wrote something, an amendment.

10 Q. What kind of mistakes?

11 A. All kinds of mistakes. Because the stories are not true.
12 It's made up by the paralegals. It is not easy to make a
13 perfect line. So they often made mistakes. For example, the
14 date, the -- in the letter, in a statement, it was said the
15 applicant was detained for, for example, eight days. But in
16 when preparing attesting letters, the paralegal carelessly
17 wrote six days, so such kind of mistakes.

18 Q. When that happened, when those mistakes were made, what did
19 you do?

20 MR. MAHER: Objection, formulation.

21 THE COURT: What did you do?

22 A. When I was working as a paralegal, I would have prepared
23 another attesting letter from the same person to explain why
24 they made a mistake in the last letter.

25 MR. EAGAN: We can keep playing.

1338

E2401iu2 M.Yu - direct

1 (Tape played)

2 MR. EAGAN: Looking back, when you said, you know,
3 these things happen every day, what things are you referring
4 to?

5 A. Refer several things. First, lot of cases we found have a
6 lot of mistakes. And many client have no idea about asylum.
7 So they just ask our office to do everything for them.

8 Sometimes they are very carefulized about our job.
9 And paralegals sometimes are very careful as to prepare the
10 evidence, to choose the evidence.

11 We also -- some ladies who are asylees, they get their
12 green card from asylum.

13 Q. And towards the bottom of it, when you said, Yes, they
14 really don't deserve, who are you referring to, they?

15 A. I mean the clients.

16 Q. I want to -- and let me ask you this. You also said: I
17 don't think the government will ban this.

18 What did you mean by that?

19 A. I mean I don't think the U.S. government will ban those
20 asylum in the future.

21 Q. I want to -- if I can ask you to skip to 139. You
22 testified yesterday that's a transcript of a conversation.

23 Who was involved in that conversation?

24 A. Vanessa Foley and me.

25 Q. And where did this take place?

1339

E2401iu2 M.Yu - direct

1 A. At the same cafeteria.

2 Q. Say that again?

3 A. The same cafeteria.

4 Q. And approximately when was that?

5 A. July 2012.

6 Q. I just want to play a short part. If we can go to page
7 four, towards the bottom, when it says: When I have to.

8 (Tape played)

9 BY MR. EAGAN:

10 Q. Are you familiar with the case she is describing?

11 A. I'm not very familiar with that.

12 Q. Why is it a problem if someone had come to the country
13 previously and not asked for asylum?

14 A. I'm sorry?

15 Q. Why is it a problem, if someone had come to the country
16 previously and not asked for asylum?

17 A. Oh. If they suffer persecution, they know U.S. Government
18 accept asylum, why they wait so long to make their application,
19 that would be issue for the ground of the case.

20 Q. Did you ever have cases like that?

21 A. I -- I don't have such kind of case.

22 Q. I want to, I want to -- we're skipping ahead to 154. If
23 you can, you can see there are several parts of that
24 transcript. But let me ask you, first, was there anybody else
25 that the FBI asked you to record conversations with?

1342

E240liu2

M.Yu - direct

1 A. Yes.

2 Q. And Liu is Feng Ling Liu?

3 A. Yes.

4 Q. I'm going to ask you, if you can, starting at the bottom of
5 12, to read the parts that are you, and Ms. Mermelstein will
6 read the parts of Feng Ling Liu.

7 A. Okay.

8 Q. So starts where it says: What about the client.

9 Now.

10 "FENG LING LIU: I said that there was a significant
11 level dependence.

12 "YU: Oh.

13 "FENG LING LIU: They do not want to think. You tell
14 them one less thing, and that's where they leave live it. That
15 is it, that is that.

16 "YU: It used the be the case as well, the level of
17 the dependence used to be significant too.

18 "FENG LING LIU: That's what I'm saying. So it is
19 relatively more painful when you work on it. Hm.

20 "YU: What I worry the mostly is that things are okay
21 in terms of discussion at the office, but they immediately
22 forget what they prepared as soon as they arrive in court.

23 "FENG LING LIU: Yeah, so you need to repeatedly
24 emphasize with her, and that everyone needs to be taught these
25 things when they come in. These, whatever you say in front of

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E2401iu2 M.Yu - direct

1 me today, that's what you say, even if there is a knife on your
2 neck when you go to court. If they pressure you about what
3 time on that day, what was the weather like that day, and so
4 on, and you have no idea, you cannot simply spit it out if they
5 ask you three times. Some people make it up carelessly. After
6 you make up the first sentence, you won't be able to make up
7 the next sentence, and then you will be exposed in a short
8 amount of time. So I think you need to emphasize repeatedly
9 for each case, and then the assistant needs to make it very
10 clear, when making preparations not, to think that you are
11 smart and you can deceive other people. Hm.

12 MR. EAGAN: Stop right there.

13 And if we can -- go ahead to 154E-T.

14 Q. So that was a call at the end of August. Did you place
15 another call?

16 A. Yes, in early September 2012.

17 Q. And --

18 MR. FISCHETTI: May I have a moment to find it,
19 please?

20 MR. EAGAN: Okay.

21 MR. FISCHETTI: Thank you.

22 Okay, got it.

23 BY MR. EAGAN:

24 Q. So when did this next phone call happen?

25 A. September.

1344

E240liu2 M.Yu - direct

1 Q. September?

2 A. Yes.

3 Q. And who was on the call?

4 A. Ms. Liu and me.

5 Q. And if I can have you turn to the bottom of page 2 where
6 you say: Attorney Liu.

7 At the very bottom.

8 "YU: Attorney Liu, I wanted to tell you this. I will
9 also talk it over with Shu Feng. I want to go back to work, I
10 have been thinking for a long time. Besides, I got along with
11 my co-workers. However, when we talked about it, I was a
12 little bit worried. The reason is that I quit a job because
13 the work was quite stressful and it was quite intense. There
14 were many issues of the several cases around the time I left.

15 "FENG LING LIU: (Clears throat)

16 "YU: And then I was a bit worried every time when I
17 would stand in court, I feel very stressful. I kept thinking
18 that the client would all of a sudden say, well, she fabricated
19 this story, she taught me how to say that.

20 And there was a lot of, during the period, later on,
21 he got documentation and he said when I look for another job,
22 so I quit.

23 I'm thinking is it possible that when I go back to
24 work, whatever type of work it will be, even one that is lower
25 paid, but I don't particularly want to go to court. I'm

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E240liu2 M.Yu - direct
1 think -- I think that I can get that done well.

2 "FENG LING LIU: Mm, mm, okay. (Clears throat) That,
3 unintelligible, keeps going.

4 "YU: Primarily, I'm under quite a bit of
5 psychological pressure and particularly nervous when go to
6 court, and always afraid that client will blame everything on
7 me. And then, later, the last several months I will feel very
8 stressed. I read that somewhere one will say that we made up
9 the story. I could not be sure of that, so I feel that I am
10 better off staying in the office.

11 "FENG LING LIU: Mm, mm, mm, okay.

12 "YU: And in terms of the --"

13 MR. EAGAN: Stop there.

14 THE WITNESS: Okay.

15 Q. Ms. Yu, I want to return to, was that the last phone call
16 you had with her?

17 A. Yes.

18 Q. I want to return, briefly, to something you had referred to
19 yesterday.

20 Yesterday, you mentioned the firm getting a new name,
21 and the firm splitting apart, as to safety measures they had
22 taken.

23 When the firm changed names, what if anything changed about
24 how the firm was operated?

25 A. Nothing changed.

1347

E240liu2

M.Yu - direct

1 Q. After the firm changed names, who was your boss?

2 A. Ms. Liu.

3 Q. Do you remember when the second office opened?

4 A. You mean Vanessa's office?

5 Q. Correct.

6 A. In about 2010; summer 2010.

7 Q. Did you discuss, with anyone at the Feng Ling Liu firm, why
8 that happened?

9 A. Yes, I talked with Feng Li and Vanessa and Rachel.

10 Q. What did Vanessa say about the switch of the firm or
11 opening a new firm?

12 A. She said Ms. Liu wanted her to open new firm under her
13 name. She said she was not sure whether she would do that,
14 because there would be a lot of responsibility and the
15 pressure. And, at first, she said she would think about it.

16 Q. Did she express any other concerns about doing it?

17 A. That's what she told me. I talked to Mrs. Feng Li and
18 Victor. Feng Li and Victor told me Ms. Liu wouldn't do that
19 because our office has so many cases, we have attracted a lot
20 of attention from the government. Ms. Liu was worried about
21 that. She even sent somebody to court to count how many cases
22 we had every day, compare other, the cases from other firms.
23 So she want to start a new office and separate the case to that
24 new one.

25 MR. EAGAN: If I can have one moment, your Honor.

1367

E240liu2 Yu - cross

1 Q. The government basically asked you to be deceitful to her,
2 correct?

3 A. It's not -- it's not a deceit.

4 Q. That's not deceit? So you were honest about it?

5 A. The government asked me to do it.

6 Q. I'm not asking you about what the government told you?

7 A. Okay.

8 Q. You were not being honest with Vanessa about the
9 circumstances of your sitting down and having lunch with her,
10 were you?

11 A. Yes.

12 Q. That was not just what you were doing, you were not just
13 having lunch with her, right?

14 A. No.

15 Q. You were trying to get her to say something incriminating
16 on a secret recording device on yourself, correct?

17 A. Yes.

18 Q. So would you agree with me that that type of behavior is a
19 form of deceit?

20 A. I cannot agree with you.

21 Q. You can't agree with me?

22 A. I'm sorry.

23 Q. We'll agree to disagree. We'll move on.

24 You were contacted -- I'll use this word "contacted" -- by
25 the FBI in February of 2012?

1489

E4301iul

M. Yu - cross - Maher

1 Right?

2 A. Yes.

3 Q. And if -- we'll play it again and I want to see if you hear
4 these words. Instead of I just heard a funny story, you also
5 say: You know -- that's not a big deal, though.

6 So you say: You know, Karen fired Shu.

7 Vanessa says: Sorry.

8 You say: Karen fired Shu, you don't know that.

9 Then some unidentified female yells: Happy Mother's

10 Day.

11 And then Vanessa says: Who is Karen?

12 And then you say: Feng Ling Liu, Ms. Liu.

13 And Vanessa says: Oh.

14 And you say: Sorry.

15 And then Vanessa says: She fired Shu?

16 And then you say: You don't know that?

17 MR. MAHER: So if we can go back to 1850, please.

18 Thank you. We might need to switch back, please. Thank you.

19 THE DEPUTY CLERK: Right now?

20 MR. MAHER: Thank you.

21 THE DEPUTY CLERK: And this is for everybody?

22 MR. MAHER: Yes, thank you.

23 (Audio recording played)

24 MR. MAHER: Stop here, please.

25 Q. Did you hear more words this time?

1529

E4301iul

M. Yu - cross - Maher

1 Q. So James Lin actually invited you to his house for
2 Thanksgiving?

3 A. Yes.

4 Q. And did you attend?

5 A. Yes.

6 Q. And did you go with your husband?

7 A. On that -- no, on that day, my husband was still in China.
8 He was not here.

9 Q. Did James Lin ever tell you that he thought that the FBI
10 was investigating your law firm?

11 A. He urged me to leave the office, he doesn't think this is a
12 good job for me. He didn't say the FBI or the government is
13 actually investigating, but he said there is a possibility.

14 Q. He told you to leave the law office?

15 A. Yes.

16 Q. When did he do that?

17 A. Before I left the firm.

18 Q. Before you left the law firm?

19 A. Yes.

20 Q. So, that would be before what date?

21 A. Before August of 2011.

22 (Continued on next page)

23

24 BY MR. MAHER:

25 Q. Before August of 2011?

1593

E43Wliu2

M. F. Yu - cross

1 THE COURT: Mr. Fischetti.

2 CROSS-EXAMINATION

3 BY MR. FISCHETTI:

4 Q. Now, as you sit here today, testifying before this jury,
5 you are a convicted felon, are you not?

6 A. Yes.

7 Q. And according to you, everything you're telling this jury
8 is the truth, is that correct?

9 A. Yes.

10 Q. And you've told us, have you not, that the only person or
11 persons that can tell if you're telling the truth is the
12 government attorneys, is that right?

13 A. Yes.

14 Q. And if they believe you're telling the truth in this case,
15 then you'll get them to say to the judge give her substantial
16 assistance because she cooperated and take that into
17 consideration when you get sentenced, is that right?

18 A. Yes.

19 Q. And you told us you're facing 15 years, is that right?

20 A. Yes.

21 Q. And you told us that you hope you get zero. Weren't those
22 your words?

23 A. Yes.

24 Q. And that's why you testified here, is that correct?

25 A. Yes.

1594

E43Wliu2

M. F. Yu - cross

1 Q. Now, when you met with the prosecutors, you learned that
2 they wanted to get evidence against other people, did you not?

3 A. Yes.

4 Q. And one of those persons was my client, right?

5 A. Yes.

6 Q. So you were aware, were you not, that if you could get
7 evidence against her to tell to this jury, that would be
8 helpful to you with regard to your sentence? Is that true?

9 A. Yes.

10 Q. So you told them a number of things about my client that
11 you said were crimes, right?

12 A. Yes.

13 Q. Crimes that you were, in fact, involved with?

14 A. Yes.

15 Q. And after they he interviewed you on a number of times,
16 they asked you to go out and try to get evidence to support
17 your testimony to them about your crimes, isn't that right?

18 A. Yes.

19 Q. And you tried to do that, isn't that correct?

20 A. Yes.

21 Q. And one of the ways you tried to do it is to get her on a
22 recording admitting that she committed these crimes, is that
23 true?

24 A. Yes.

25 Q. And that would have been very good for you, right?

1595

E43Wliu2

M. F. Yu - cross

1 A. Yes.

2 Q. And that's what the government wanted you to do, is that
3 correct?

4 A. Yes.

5 Q. And you recorded her, I think, two or three times, with
6 basically the same conversation about going back to work,
7 right?

8 A. Yes.

9 Q. And, of course, that was a ruse; you really weren't going
10 to work there, right?

11 A. I'm sorry?

12 Q. That was a ploy, that wasn't the truth, you really didn't
13 want to go back to work there?

14 A. I don't want to go back to work there.

15 Q. You were just using that as an excuse to talk to her?

16 A. Yes.

17 Q. Saying that, you know, you came back from Chicago and you
18 really didn't want to go back to work for her and do certain
19 things, is that correct?

20 A. Yes.

21 Q. And that was your conversation with her, the recording that
22 we heard here, right?

23 A. Yes.

24 Q. And the purpose of that recording was to have her
25 incriminate herself and say that there were false stories,

1596

E43Wliu2

M. F. Yu - cross

1 isn't that right?

2 A. Yes.

3 Q. And to have her say that she had you make up these false
4 stories, is that correct?

5 A. Yes.

6 Q. And to have her say that you made up affidavits and had
7 people sign them that really weren't valid because they just
8 signed, isn't that right?

9 A. Yes.

10 Q. That was your purpose, okay?

11 A. Yes.

12 Q. And you recorded her on those conversations, I think, about
13 August 30, is that about right? Does that seem right to you?

14 A. The first was August 30 and the second one --

15 Q. September 5?

16 A. September 5, yes.

17 Q. Those were the recordings, and in those recordings, you
18 were very friendly with her?

19 A. Yes.

20 Q. In fact, there were parts of the recording where she even
21 said to you, Let's go to lunch and chat, do you remember that?

22 A. Yes.

23 Q. And you could have had lunch with her, could you not?

24 A. I could. She refused my invitation.

25 Q. The government refused to have you have lunch with her, is

1597

E43Wliu2

M. F. Yu - cross

1 that what you said?

2 A. No, no, no. I mean Ms. Liu refused my invitation for the
3 lunch.

4 Q. Oh, okay. Now, if you had lunch with her or talked to her,
5 you had learned to use a recording device, isn't that right?

6 A. I don't know, because, you know, her husband call me before
7 and her husband ask my husband and me to go outside, have lunch
8 with him. So I thought maybe I should, but later on he didn't
9 call me back. So when I call Ms. Liu, I think maybe I should
10 bring up and invite them again.

11 Q. Okay.

12 A. Yeah.

13 Q. My question was you learned how to use a recording device
14 that you could put on your person. Isn't that correct?

15 A. Yes.

16 Q. Because when you spoke to my client, that was just a
17 telephone conversation, isn't that right?

18 A. Yes.

19 Q. You never met her in person after September 5, is that
20 correct?

21 A. No.

22 Q. And do you know the date when she was arrested in this
23 case?

24 A. December 2012.

25 Q. So that was four months after you made the recordings,

1598

E43Wliu2

M. F. Yu - cross

1 isn't that right?

2 A. Yes.

3 Q. And during those four months, you never went to see her,
4 isn't that right?

5 A. No.

6 Q. You never went to see her wearing a recording device, did
7 you?

8 A. No.

9 Q. You never called her on the telephone again, did you?

10 A. No.

11 Q. The FBI never said to you, Hey, we've got this recording,
12 but this isn't enough, you have to go see her again to get her
13 to admit the false stories, did they ever tell you that?

14 A. No.

15 Q. Did they ever tell you you should talk to her again on the
16 phone and have her try to admit that she made you write false
17 stories? Did they ever say that to you?

18 A. After that, no.

19 Q. No?

20 A. No.

21 Q. And in that conversation with her, did she ever say to you,
22 You know, you don't have to come back and write false stories?
23 Did she ever say that to you?

24 A. No.

25 Q. Did she ever say to you, You can come back, but you don't

1599

E43Wliu2

M. F. Yu - cross

1 have to do anything like you did before, writing false stories,
2 affidavits, or anything like that?

3 A. No.

4 Q. Did she say that to you?

5 A. No.

6 Q. Not at all.

7 MR. FISCHETTI: Judge, I'm going to go into another
8 area, if that's okay. You said quarter to, but I'll keep
9 going.

10 THE COURT: Why don't we take our lunch break and
11 resume at 2:00. Please keep an open mind and remember not to
12 discuss the case.

13 (Jury excused)

14 THE COURT: Is there anything we need to discuss?
15 Have you resolved the issue with the transcript for purposes of
16 cross-examination?

17 MR. GERMAN: The recordings.

18 THE COURT: The recordings. Okay. See you at two.

19 (Luncheon recess)

20

21

22

23

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25

1600

E430LIU3

1 AFTERNOON SESSION

2 2:00 p.m.

3 THE COURT: Is everyone ready for the jury?

4 MR. MAHER: Could we have two minutes, Judge.

5 THE COURT: Sure.

6

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1601

E430LIU3

1 (In open court)

2 (Jury present)

3 (Witness resumes the stand)

4 THE COURT: You can be seated, Ms. Yu.

5 MR. EGAN: May I resume, your Honor?

6 THE COURT: Yes, of course.

7 MR. EGAN: Good afternoon, everybody.

8 CROSS-EXAMINATION (Continued

9 BY MR. FISCHETTI:

10 Q. When we left, I asked you a question about was there some
11 arrangements for lunch -- and I'm going to call my client
12 Karen, is that okay?

13 A. Okay.

14 Q. Okay?

15 A. Okay.

16 Q. And Karen asked you to go to lunch, and you said I asked
17 her to go to lunch. Do you recall that?

18 A. Yes.

19 Q. And you were correct. Can you pull out for us, 154B in the
20 transcripts. Do you have it, Ms. Yu?

21 A. Yes.

22 Q. Could you turn to page 4, half way down the page. Are you
23 with me?

24 A. Yes.

25 Q. I want to read this part of it to you, which says: Well,

1602

E430LIU3

M. Yu - cross - Fischetti

1 let's do this.

2 Okay?

3 A. Okay.

4 Q. Basically what you are doing in that conversation is trying
5 to get some kind of meeting with Karen; is that right?

6 A. Yes.

7 Q. And you say: Well, let's do this when I come back from
8 Chicago, let's get together for a meal in early July when I
9 asked David I was going the ask everyone to get together and
10 have a meal. Later, when I called David, he said that you were
11 really busy and that you were probably sick, too.

12 Did you think she was ill?

13 A. Who?

14 Q. Did you think my client, Karen, was ill?

15 A. Yes. David told me.

16 Q. Oh, okay.

17 And things never worked out. How about we get
18 together for lunch or breakfast when I come back from Chicago.
19 Let's chat and decide when I should go back, would that work.
20 And then she asked you, going to Chicago, and you say this
21 weekend.

22 And can you turn the page and Karen says: I have been
23 quite busy lately. Let me see, why don't you discuss it with
24 your husband. And if you have ideas, give me a call and we
25 could talk about it. There is no need to wait to get together

1603

E430LIU3

M. Yu - cross - Fischetti

1 until you come back.

2 Now, you were going to Chicago, right?

3 A. Yes.

4 Q. And she's saying to you, we don't even have to wait, right,
5 until you get back from Chicago, we could talk.

6 Isn't that what she's saying?

7 A. Yes.

8 Q. Okay. Anyway just let me know what you think, I will, that
9 is if I am able to do it, I will try my best to do it, get it
10 done. Let's make it clear and talk about everything before you
11 come back, so that there won't be anything awkward or
12 unpleasant in the future.

13 Did you read that?

14 A. Yes.

15 Q. And basically Karen was telling you that she was willing to
16 talk to you any time you wanted to; isn't that right?

17 A. Yes.

18 Q. And she was willing to meet with you any time you wanted to
19 meet?

20 A. No.

21 Q. Right?

22 A. She said, no necessary to -- not necessary to meet, we can
23 talk on the phone.

24 Q. Well, so it's your position, after reading all of these
25 transcripts, that my client was afraid to meet with you; is

1604

E430LIU3

M. Yu - cross - Fischetti

1 that your position?

2 A. I don't mean she is afraid to meet with me, but at that
3 moment I think she meant it is not necessary to meet and
4 discuss things, we can talk on the phone.

5 Q. I see. Just talk about it on the phone about you coming
6 back to work?

7 A. Yes.

8 Q. She was not avoiding you, was she?

9 A. I don't think.

10 Q. She was willing to talk to you any time you wanted to talk
11 to her, isn't that right?

12 A. Yes.

13 Q. And basically she told you, also, that -- if you look
14 toward the bottom of page 5 -- that I have not been in the
15 office lately.

16 Do you recall --

17 A. Yes.

18 Q. -- her saying that? Now, this is the conversation that you
19 testified about when you were on direct examination. Do you
20 recall that?

21 A. Yes.

22 Q. And could you turn to page 1 and look at the conversation.
23 Back there in the middle, my client says to you: How have you
24 been recently.

25 Do you remember that, do you see that?

1605

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes, I see it.

2 Q. And you say: I have been staying at home anyway. The job
3 hunt has not been going smoothly.

4 And then -- and then she says: And when you came
5 back, I was not here, been hanging around all summer long, so I
6 did not go to the office. Anne told me about what you wanted
7 and I said that there were enough people right now, so I needed
8 to make arrangements. Do you recall that?

9 A. Yes.

10 Q. And then on the next page talking about arrangements, if
11 you are looking about the third line down, she says: Right now
12 there is basically -- there is an attorney who is about to
13 leave, therefore, there is a vacancy.

14 Is that correct?

15 A. Yes.

16 Q. And talking about a vacancy. So that she would ask you to
17 come back to the firm to rehire you; is that right?

18 A. Yes.

19 Q. And on the next page, page 3, they talk about the fact, or
20 my client says there are a lot fewer cases before.

21 Do you remember that?

22 A. Yes.

23 Q. And then down below that she says: Sometimes five or six
24 cases.

25 Do you see that?

1606

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. There is nothing in there that indicates that she is saying
3 that there is less cases because there is an investigation
4 pending, is there?

5 A. No.

6 Q. There is nothing in there that says there is less cases
7 because people are believing that she is engaged in fraud, is
8 there?

9 A. No.

10 Q. Now, further on, if you look at page 7, at the top of the
11 page, you're speaking. And you say: Then I have another small
12 concern. One of the reasons I did not particularly want to
13 stay on the job was that I was worried about this, this whole
14 signature thing. Can I not just sign the 589s when I go back.

15 And what did you mean by that, when you said that to
16 her, what were you trying to get her to say?

17 A. I'm sorry?

18 Q. What was your purpose in saying that?

19 A. Oh, I -- I just told her I don't want to sign on
20 application. Because when we was doing attorney job at office,
21 I sign a lot of application without review those stuff. And
22 I -- I know lot of the fraud application and when my name was
23 on the application, I should take the responsibility.

24 Q. So that was your purpose in saying that, right?

25 A. Yes.

1607

E430LIU3

M. Yu - cross - Fischetti

1 Q. But you didn't say that did you? I mean you didn't say I
2 don't want to sign the 589s because there is a lot of fraud
3 going on, did you?

4 A. I didn't say that word.

5 Q. You didn't say anything like that, did you?

6 A. No.

7 Q. You didn't say I don't want to sign them because they were
8 false, right?

9 A. No.

10 Q. You didn't say I didn't want to sign them because I knew
11 that was a crime, right?

12 A. Yes.

13 Q. You just said you didn't want to sign them, is that right?

14 A. Yes.

15 Q. And do you recall Karen saying to you that the 589s were
16 signed by Troy? Further down.

17 A. Yes.

18 Q. And do you see where she says, further down when you say,
19 yes, yes, yes, and she says that: I remember before you left,
20 I made the change, and had Troy sign. Do you recall her saying
21 that?

22 A. Yes.

23 Q. And you said: Oh, I forgot.

24 Right?

25 A. Yes.

1608

E430LIU3

M. Yu - cross - Fischetti

1 Q. And then below that, she says: Troy signs all of the 589s
2 now.

3 Do you see that?

4 A. Yes.

5 Q. And in the middle, on the next page, you say: All right
6 that's all right then.

7 And she says: Okay. I won't have you sign the 589s.
8 Troy always has been signing.

9 Do you see that conversation, do you see that?

10 A. Yes, I see that.

11 Q. Is there anything in those conversations, anything that
12 contains the fact that there was a crime going on?

13 A. No.

14 Q. Is there anything in that, in those facts, that indicates
15 that my client was committing a fraud with the 589s?

16 A. No.

17 Q. Is there anything in those conversations indicating that my
18 client knew about false applications being signed?

19 A. No.

20 Q. Let's turn to page 9.

21 Now, what we're doing, is we're going through
22 exhibit 1548T, which is a conversation between you and Karen,
23 is that right?

24 A. Yes.

25 Q. It is 31 pages. If you look at the last part --

1609

E430LIU3

M. Yu - cross - Fischetti

1 A. I'm sorry, which page?

2 Q. Thirty-one pages?

3 A. Okay.

4 Q. And on direct examination, the attorney for the government
5 read some portions of this conversation to you and the jury,
6 isn't that right?

7 A. Yes.

8 Q. He didn't read these, though, did he?

9 A. Didn't read what, I'm sorry?

10 Q. He didn't read what we are just reading now, did he?

11 A. No.

12 Q. All right. Let's look at page 9.

13 Karen says: Now, if you come back, you will still need
14 to write more briefs, you will be writing more. At this point,
15 we'll lose fewer cases. Approximately two to three briefs a
16 month. In a week, in a week, would average, at the most brief
17 would about --

18 And then somewhat inaudible.

19 And you say: It is probably the same as before, no
20 big change, is there.

21 And she says: No, no, no, there is a lot less
22 business than it used to be.

23 Now, when you -- you have read that. That's what it
24 says, isn't that right?

25 A. Yes.

1610

E430LIU3

M. Yu - cross - Fischetti

1 Q. And when you said, No big change, is there, you were trying
2 to get her to say, No, there isn't, we're doing the
3 applications just the way we did before.

4 Isn't that what you wanted her to say?

5 A. Yes.

6 Q. Isn't what you wanted her to say some indication that she
7 knew that a fraud was going on, is that right?

8 A. Yes.

9 Q. I mean that was your purpose, wasn't it?

10 A. Yes.

11 Q. And she doesn't, does she?

12 A. No.

13 Q. Now going further down, it says you, saying to her -- well,
14 let me read the next couple, too, because I think it is
15 important.

16 She says: It's less business.

17 And you say: Oh.

18 And then she goes saying: Our master, we have very
19 few individual cases. Back then, usually 13 to 14 were normal.
20 But now there are many weeks where there are no more than 10.
21 There are a lot fewer cases than before.

22 And then, you say: What I was saying was that new
23 cases carry about the same contents as those in the past. I
24 have not done it for a long time.

25 And what you were trying to get her to say is, yeah,

1611

E430LIU3

M. Yu - cross - Fischetti

1 the contents are the same, we still file false applications.

2 That was what you were attempting to get her to do, isn't that
3 right?

4 A. Yes.

5 Q. And that was your job, that was your purpose in being
6 there, right?

7 A. Yes.

8 Q. And she answers: Oh, about what you said, there are
9 significant changes to the law. Same set of things.

10 Right, isn't that what she says?

11 A. Sorry, sir, I think there is a translation mistake here in
12 the Chinese.

13 Q. Did I read it wrong? I'm sorry, I didn't understand what
14 you said, Ms. Yu.

15 A. There is a translation mistake, I believe, in Chinese. It
16 says there is no significant change. But in the English, it is
17 there are significant change to the law.

(a lot of the translation error in the government exhibit)

18 Q. So you're saying that this transcript that you have, and I
19 have --

20 A. Yes.

21 Q. -- is not accurate?

22 A. Yes. I just find out.

23 Q. Well, how do you know that. Did you -- this was in
24 Mandarin?

25 A. I can read Mandarin Chinese.

1612

E430LIU3

M. Yu - cross - Fischetti

1 Q. Excuse me?

2 A. I can read Mandarin Chinese.

3 Q. Well, how do you know that -- let me get this straight now,
4 let's back up a little bit.

5 What it says in the transcript, is: Oh, about what
6 you said, there are significant changes to the law, same set of
7 things.

8 That is what is written, right?

9 A. Yes.

10 Q. And you say it says: About what you said, there are no
11 significant changes to the law.

12 Right?

13 A. Yes.

14 Q. And you just realized that now?

15 A. Yes.

16 MR. EGAN: Your Honor, may I have a sidebar for a
17 minute.

18 THE COURT: Sure.

19 (Continued on next page)

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1613

E430LIU3

M. Yu - cross - Fischetti

1 (At the side bar)

2 MR. FISCHETTI: I'm reading from a transcript that has
3 been -- that has been given to us, by the government, which we
4 have stipulated is an accurate transcript. There is a -- to
5 use the word --

6 THE COURT: Not a stipulation.

7 MR. FISCHETTI: I withdraw it.

8 The stipulation has been given to us by the government
9 as an accurate transcript of the conversation. There is a
10 significant, if I could use that word, difference between the
11 two words, okay. And the only thing I can do with it -- and I
12 would like to do it and I want to do it outside the jury's
13 presence -- is to ask for an agreement by the government that
14 this transcript was given to us as an accurate transcript of
15 the conversation, and the transcript said A.

16 And I don't see how they can object to that, but I
17 would like to ask them first.

18 MR. EAGAN: It is in evidence. What are you --

19 MS. MERMELSTEIN: They offered it as a government
20 exhibit.

21 MR. FISCHETTI: But she's saying it is wrong.

22 THE COURT: I know.

23 MR. FISCHETTI: And they gave it to me, so how do I
24 correct that. I'm not asking for advice. The only way I can
25 correct them is have them say this is what they gave me and

1614

E430LIU3

M. Yu - cross - Fischetti

1 this is what I'm using, and they offered it in evidence as this
2 conversation, and now you're saying it is wrong.

3 THE COURT: I think that's clear in the record,
4 number 1. I think Mr. Maher has done a lot of
5 cross-examination about errors in the translation. I think the
6 jury hears that. I think your cross-examination and her
7 agreement that that was an error is also heard by the jury.

8 If you want to call your own translator, you're
9 welcome to do so.

10 MR. FISCHETTI: I don't want to do that, I just want
11 the jury --

12 THE COURT: I can't make them stipulate.

13 MR. FISCHETTI: I'm not asking them to stipulate. I'm
14 saying that I am going to say, I am letting them know, first,
15 that this transcript was given to me by the government as an
16 accurate transcript.

17 THE COURT: I don't think you should say that, but you
18 can ask her did the government give this to you and ask you to
19 look it over, and it will be clear that it was in the
20 government's possession.

21 They have already put on their witness.

22 MR. FISCHETTI: Good enough, okay.

23 (Continued on next page)

24

25

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E430LIU3

M. Yu - cross - Fischetti

1 (In open court)

2 BY MR. FISCHETTI:

3 Q. Ms. Yu, this is not the first time you have seen this
4 transcript; is that correct?

5 A. Yes.

6 Q. As a matter of fact, you saw these transcripts when they
7 were given to you before you testified here, isn't that right?

8 A. Yes.

9 Q. And you reviewed those transcripts at that time, isn't that
10 correct?

11 A. Yes.

12 Q. And these transcripts were given to you by the government,
13 right?

14 A. Yes.

15 Q. And they told you, before you testified, here, to review
16 the transcripts to see if they were accurate, isn't that right?

17 A. Yes.

18 Q. And you read those transcripts and told them, before they
19 were admitted as evidence to the jury, that they were accurate;
20 is that correct?

21 A. Yes.

22 Q. And when did you discover, now, that that word is
23 different? When did you learn that?

24 A. I'm sorry?

25 Q. When did you realize that that word, that you said is wrong

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E430LIU3

M. Yu - cross - Fischetti

1 in the transcript, is wrong?

2 A. When you read the English part. But I was reading the
3 Chinese version.

4 Q. So you never read the English version, is that what you are
5 saying?

6 A. No, I -- I read the English version, but maybe I didn't
7 read them very carefully.

8 Q. And when you read this was wrong, did you run to the
9 government and say, look, the transcript that we gave the jury
10 as evidence is incorrect. Did you tell them that?

11 A. No.

12 Q. But you are saying it now, right?

13 A. Yes.

14 Q. You are saying, now, that the transcripts that the jury
15 has, right now, that were given to them by the government, are
16 wrong. Is that your testimony?

17 A. Yes.

18 Q. Okay. Going on with that conversation, on the next page my
19 client says to you, There is no change in this regard, that
20 about the preparation for master calendar cases, I'm thinking
21 that after you come back, you will go to court, prepare
22 clients, followup on cases that need additional materials, the
23 cases that Judge asked for additional materials. And then you
24 will write briefs on any case, probably one week, on average
25 this is what we have, at most. Take that into your

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E430LIU3

M. Yu - cross - Fischetti

1 consideration, I guess, because Rob also has to write briefs.
2 So it should be that this is part of the work. But there is
3 not a lot of quantity.

4 Do you see that, there is not a lot of quantity?

5 A. Yes.

6 Q. I think in as far as preparation for going to the master
7 calendar, I will probably give you two or three cases, but I
8 might also give you three or four master cases to prepare. I
9 think that some of my clients are dumb, and you need to start
10 from scratch. Sometimes a lot of energy gets wasted and that's
11 annoying.

12 Do you read that?

13 A. Yes.

14 Q. She is basically telling you what you're going to have to
15 do when you come back to work, right?

16 A. Yes.

17 Q. And there is nothing in there, at all, indicating that she
18 wants you to write false stories, is there?

19 A. No.

20 Q. There is nothing in there indicating that you have to
21 change stories that are given to you by the applicants, is that
22 correct?

23 A. Yes.

24 Q. There is nothing in there that tells you that she is going
25 to prepare drafts of what you do, so that you can change

1618

E430LIU3

M. Yu - cross - Fischetti

1 stories to fit the asylum process, is there?

2 A. Yes.

3 Q. This is just basically telling you what kind of job you are
4 going to have, right?

5 A. Yes.

6 Q. And, again, the reason why you are there is to try and find
7 my client, getting information from her, that she is involved
8 in a fraud that you committed; isn't that right?

9 A. Yes.

10 Q. I mean there is no question that you were involved in
11 fraud, is there?

12 A. I'm sorry?

13 Q. You. That you were involved in preparing false
14 applications --

15 A. Yes.

16 Q. -- for asylum interviews.

17 That's what you pled to, right?

18 A. Yes.

19 Q. So there is no doubt that you did that. But there is
20 nothing in these conversations that indicates that my client
21 told you to do it, is there?

22 A. In Li's conversation, no.

23 Q. Just a couple of more things. When we get to page 15, you
24 say: Why is there fewer cases lately. We, before I left,
25 these cases were pretty good. Each month there were 20 or 30.

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E430LIU3

M. Yu - cross - Fischetti

1 And sometimes there were 30 and 40 new cases.

2 And basically what you are trying to get her to say
3 is, look, we have got fewer cases because we have knowledge of
4 an investigation that's going on, so we had to cut down; right?

5 A. No. That's not my purpose. I just ask her why there were
6 fewer cases recently.

7 Q. In other words, this was just a ordinary question. This
8 was not a question to try and get her to incriminate herself?

9 A. No.

10 Q. No? Okay. And she answers the question, she says: I
11 don't know, I think, you know, when did you leave, in November?

12 And then you go on after that. And you told us that
13 is 31 pages. But that was just one of the telephone calls that
14 you had, is that correct?

15 A. Yes.

16 MR. FISCHETTI: May I have a second?

17 Q. All right, I would like you to look at government
18 exhibit 154T. And this is the one September 5th.

19 THE COURT: Does it have a letter after it, 154 --

20 MR. FISCHETTI: Yeah, E. I'm sorry, everybody.

21 Q. So this was on September 5th, right?

22 A. Yes.

23 Q. And this is, again, a telephone conversation.

24 A. Yes.

25 Q. And I want to turn you to page 2, bottom of the page. And

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E430LIU3

M. Yu - cross - Fischetti

1 you say: Attorney Liu, I wanted to tell you this. I will talk
2 it over with --

3 And I can't pronounce that. Is that your husband?

4 A. Yes.

5 Q. May I say your husband?

6 A. Xiao Fei.

7 Q. Xiao Fei?

8 A. Yes.

9 Q. Okay. I wanted to go back. I want to talk to my husband
10 Xiao Fei. I want to go back to work. I have been staying for
11 a long time. Besides, getting along with my co-workers, when
12 we talked about it, I was a little worried.

13 You then say, the reason I quit was because the work
14 was stressful, was quite intense. There was some issues with
15 several cases about the time I left.

16 Is that right?

17 A. Yes.

18 Q. My client, Karen, doesn't say anything. Right?

19 A. Yes.

20 Q. The purpose of this is basically to have Karen say that she
21 knows about the stress you had, because she knows about your
22 work with the false applications, is that right?

23 A. Yes.

24 Q. Well, she doesn't say that, does she?

25 A. No.

1621

E430LIU3

M. Yu - cross - Fischetti

1 Q. You then say: I was a bit worried every time I would stand
2 in court. I was very stressful. I kept thinking that the
3 client would, all of a sudden, say, well, she fabricated this
4 story, she taught me how to say it.

5 Now, that's what you said to induce Karen to say to
6 you, well, don't worry about fabricating the story, we'll get
7 away with it or something like that indicating that she knew
8 that; isn't that right?

9 A. Yes.

10 Q. And then you say: And there was a lot of, during the
11 period, later, on documentation. And he said why not look for
12 another job, so I quit.

13 And that's, basically, your husband?

14 A. Yes.

15 Q. Right?

16 A. Yes.

17 Q. So isn't it fair to say, Ms. Yu, that when you said you
18 were afraid that this witness would say she fabricated the
19 story, she taught me how to say it, you're talking about an
20 asylum applicant who is before the Court that might say to the
21 judge, if he or she got caught with a false story, that he or
22 she made me do it?

23 A. Yes.

24 Q. And isn't that understood to mean that the client would get
25 caught, and lie that the client told you to do it, and that's

1622

E430LIU3

M. Yu - cross - Fischetti

1 what you were afraid of?

2 A. No.

3 Q. No?

4 A. No.

5 Q. That's not the proper interpretation you say, is that
6 correct?

7 A. No, because I --

8 Q. Okay, that's enough. If you say that's not, that's not.

9 And these are the very -- these are the very parts of
10 the conversations that were read to you by the government, is
11 that right?

12 A. I'm sorry?

13 Q. This was read to you by the government, those pieces that I
14 just read to you, right?

15 A. Yes.

16 Q. Now, I want to go to the last one, which is September 5th,
17 again. And that's 154FT. And I want to just ask you a couple
18 of questions about that. The government read some of this to
19 you. You see, the government started reading: Did you say
20 that you wouldn't want to go to court.

21 Yeah, I feel that actually going to court is actually
22 a pretty proceduralized process. If the client has been
23 properly prepped, makes no difference who to take them to
24 court. I feel we can train those in the office, as Andy and
25 Lillian, if we could train them to go to Court, I think we can

1623

E430LIU3

M. Yu - cross - Fischetti

1 get that done as well.

2 At this point, you were a lawyer, is that correct?

3 A. Yes.

4 Q. And you say here, If the client has been properly prepped.

5 Do you see that?

6 A. Yes.

7 Q. If you are going to court, isn't it a lawyer's duty to
8 prepare a client to go to court?

9 A. Yes.

10 Q. And don't we say, as lawyers, to prep a client. Is that
11 right?

12 A. I'm sorry?

13 Q. Don't we use these words "to prep a client," before he goes
14 to court?

15 A. Yes.

16 Q. In fact, you were prepped just before you testified here,
17 is that correct?

18 A. Yes.

19 Q. Nothing wrong with that, is there?

20 A. No.

21 Q. And, again, you talked about being on psychological
22 pressure, about the client would blame everything on me. Do
23 you see that?

24 A. Yes.

25 Q. You're not saying that the client would tell the Court that

1624

E430LIU3

M. Yu - cross - Fischetti

1 you did everything, and that he was involved with you. You
2 just say he would blame everything on you, right?

3 A. Yes.

4 Q. Even if he did it himself, he would blame it on you, right?

5 A. I not mean that, I'm sorry.

6 Q. Okay, I'll move on.

7 Now you made these conversations on August 30th and
8 September 5th of 2012.

9 A. Yes.

10 Q. When did you start cooperating with the government?

11 A. March 2012.

12 Q. March 2nd, I think was your first interview; is that right?

13 A. Yes, yes.

14 Q. And you told us, as I recall your direct testimony, that
15 they told you that they wanted you to do certain things to help
16 them investigate a case so that you could gain a cooperation
17 agreement; is that right?

18 A. Yes.

19 Q. And one of those things you did was make secret recordings,
20 is that right?

21 A. Yes.

22 Q. And do you recall when the first recording was made?

23 A. Probably April or May 2012. I cannot remember the date.

24 Q. Would you accept my representation that it was May 11th,
25 2012, having a lunch with Bandrich. Does that sound about

1625

E430LIU3

M. Yu - cross - Fischetti

1 right?

2 A. Maybe.

3 Q. And then June 14th, 2012, with Bandrich, do you recall
4 that?

5 A. Yes.

6 Q. And then on June 30th, you had phone calls with Moslemi and
7 spoke with David, do you recall that?

8 A. Yes.

9 Q. And on June 30, a phone call to Moslemi and spoke with
10 Lillian and Wen ting, do you recall that?

11 A. Yes.

12 Q. And none of those calls were with Karen, right?

13 A. No.

14 Q. And then we go to July 11. And you had dinner with Feng
15 Li, right?

16 A. Yes.

17 Q. She's another attorney that was there at the firm, right?

18 A. Yes.

19 Q. And then you had dinner with him on July 11th?

20 A. Right.

21 Q. Yes. And on July 15th, you recorded Feng Li again, right.

22 A. Yes.

23 Q. And then on July 16th, you had lunch with Feng Li and
24 Bandrich, and you recorded them; isn't that right?

25 A. Yes.

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E430LIU3

M. Yu - cross - Fischetti

1 Q. And then you had a phone call with Moslemi and you spoke to
2 David and Wen Ting and you didn't speak to Karen, right?

3 A. Yes.

4 Q. August 7th, you actually went to the Moslemi firm?

5 A. Yes.

6 Q. And you spoke to Wen Ting Zheng and Lillian, is that right?

7 A. Yes.

8 Q. But not with Karen?

9 A. No.

10 Q. And August 29th, you had a phone call with Winnie Zheng; is
11 that correct?

12 A. Yes.

13 Q. So all during this time, the government never told you to
14 have any contact with Karen, isn't that right?

15 A. No. They want me contact with Karen, but I don't have
16 reasonable excuse.

17 Q. Oh, so they told you please contact Karen. And you said it
18 is not a good idea because I don't have a good excuse to do it,
19 is that your testimony?

20 A. Yes.

21 Q. And then you speak to her September 5th, and you had these
22 phone calls, is that right?

23 A. Yes.

24 Q. And then after September 5th, you never speak to her again,
25 at all, and she is arrested in December. That's four months.

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E430LIU3

M. Yu - cross - Fischetti

1 Is that right?

2 A. Yes.

3 Q. But during this telephone call, these telephone calls,
4 Karen asks you to call her again to speak to her about the job,
5 is that right?

6 A. You mean during the last call?

7 Q. Yeah, during the phone calls.

8 A. I remember she said she will call me if -- if she wanted me
9 to go back.

10 Q. The point is, during that time when you were cooperating --

11 A. Uh-huh.

12 Q. -- and you were speaking to Karen --

13 A. Yes.

14 Q. -- you were friendly, right?

15 A. Yes.

16 Q. You were friendly in your conversations with her, right?

17 A. Yes.

18 Q. You invited her to lunch, isn't that right?

19 A. Yes.

20 Q. She told you to call her back about your job, right?

21 A. Yes.

22 Q. There is no question that after September 5th you could
23 have called her again, isn't that right?

24 A. I could, but I don't want, because I --

25 Q. Just tell me if you could have --

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E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. -- we'll get to why you didn't.

3 A. Oh, okay.

4 Q. You could have, right?

5 A. Yes.

6 Q. You could have picked up the phone and said have lunch, I
7 have got something to tell you, isn't that right?

8 A. Yes.

9 Q. You could have met with her and said, look, I don't want to
10 talk on the phone, because there could be a problem, but the
11 reason why I really don't want to come back is I don't want to
12 get involved with with false stories anymore, at a restaurant,
13 alone. You could have done that, right?

14 A. Yes.

15 Q. But you didn't, right?

16 A. No.

17 Q. And the government never told you to do that, isn't that
18 correct?

19 A. Yes.

20 Q. I want to talk to you a little bit about what you told us,
21 and maybe you can explain this to me. You said there was an
22 occasion where you found out about a bad case?

23 A. Yes.

24 Q. And it really concerned you, right?

25 A. Yes.

1620

E430LIU3

M. Yu - cross - Fischetti

1 you say: Attorney Liu, I wanted to tell you this. I will talk

2 it over with --

3 And I can't pronounce that. Is that your husband?

4 A. Yes.

5 Q. May I say your husband?

6 A. Xiao Fei.

7 Q. Xiao Fei?

8 A. Yes.

9 Q. Okay. I wanted to go back. I want to talk to my husband
10 Xiao Fei. I want to go back to work. I have been staying for
11 a long time. Besides, getting along with my co-workers, when
12 we talked about it, I was a little worried.

13 You then say, the reason I quit was because the work
14 was stressful, was quite intense. There was some issues with
15 several cases about the time I left.

16 Is that right?

17 A. Yes.

18 Q. My client, Karen, doesn't say anything. Right?

19 A. Yes.

20 Q. The purpose of this is basically to have Karen say that she
21 knows about the stress you had, because she knows about your
22 work with the false applications, is that right?

23 A. Yes.

24 Q. Well, she doesn't say that, does she?

25 A. No.

1621

E430LIU3

M. Yu - cross - Fischetti

1 Q. You then say: I was a bit worried every time I would stand
2 in court. I was very stressful. I kept thinking that the
3 client would, all of a sudden, say, well, she fabricated this
4 story, she taught me how to say it.

5 Now, that's what you said to induce Karen to say to
6 you, well, don't worry about fabricating the story, we'll get
7 away with it or something like that indicating that she knew
8 that; isn't that right?

9 A. Yes.

10 Q. And then you say: And there was a lot of, during the
11 period, later, on documentation. And he said why not look for
12 another job, so I quit.

13 And that's, basically, your husband?

14 A. Yes.

15 Q. Right?

16 A. Yes.

17 Q. So isn't it fair to say, Ms. Yu, that when you said you
18 were afraid that this witness would say she fabricated the
19 story, she taught me how to say it, you're talking about an
20 asylum applicant who is before the Court that might say to the
21 judge, if he or she got caught with a false story, that he or
22 she made me do it?

23 A. Yes.

24 Q. And isn't that understood to mean that the client would get
25 caught, and lie that the client told you to do it, and that's

1622

E430LIU3

M. Yu - cross - Fischetti

1 what you were afraid of?

2 A. No.

3 Q. No?

4 A. No.

5 Q. That's not the proper interpretation you say, is that
6 correct?

7 A. No, because I --

8 Q. Okay, that's enough. If you say that's not, that's not.

9 And these are the very -- these are the very parts of
10 the conversations that were read to you by the government, is
11 that right?

12 A. I'm sorry?

13 Q. This was read to you by the government, those pieces that I
14 just read to you, right?

15 A. Yes.

16 Q. Now, I want to go to the last one, which is September 5th,
17 again. And that's 154FT. And I want to just ask you a couple
18 of questions about that. The government read some of this to
19 you. You see, the government started reading: Did you say
20 that you wouldn't want to go to court.

21 Yeah, I feel that actually going to court is actually
22 a pretty proceduralized process. If the client has been
23 properly prepped, makes no difference who to take them to
24 court. I feel we can train those in the office, as Andy and
25 Lillian, if we could train them to go to Court, I think we can

1623

E430LIU3

M. Yu - cross - Fischetti

1 get that done as well.

2 At this point, you were a lawyer, is that correct?

3 A. Yes.

4 Q. And you say here, If the client has been properly prepped.

5 Do you see that?

6 A. Yes.

7 Q. If you are going to court, isn't it a lawyer's duty to
8 prepare a client to go to court?

9 A. Yes.

10 Q. And don't we say, as lawyers, to prep a client. Is that
11 right?

12 A. I'm sorry?

13 Q. Don't we use these words "to prep a client," before he goes
14 to court?

15 A. Yes.

16 Q. In fact, you were prepped just before you testified here,
17 is that correct?

18 A. Yes.

19 Q. Nothing wrong with that, is there?

20 A. No.

21 Q. And, again, you talked about being on psychological
22 pressure, about the client would blame everything on me. Do
23 you see that?

24 A. Yes.

25 Q. You're not saying that the client would tell the Court that

1624

E430LIU3

M. Yu - cross - Fischetti

1 you did everything, and that he was involved with you. You
2 just say he would blame everything on you, right?

3 A. Yes.

4 Q. Even if he did it himself, he would blame it on you, right?

5 A. I not mean that, I'm sorry.

6 Q. Okay, I'll move on.

7 Now you made these conversations on August 30th and
8 September 5th of 2012.

9 A. Yes.

10 Q. When did you start cooperating with the government?

11 A. March 2012.

12 Q. March 2nd, I think was your first interview; is that right?

13 A. Yes, yes.

14 Q. And you told us, as I recall your direct testimony, that
15 they told you that they wanted you to do certain things to help
16 them investigate a case so that you could gain a cooperation
17 agreement; is that right?

18 A. Yes.

19 Q. And one of those things you did was make secret recordings,
20 is that right?

21 A. Yes.

22 Q. And do you recall when the first recording was made?

23 A. Probably April or May 2012. I cannot remember the date.

24 Q. Would you accept my representation that it was May 11th,
25 2012, having a lunch with Bandrich. Does that sound about

1629

E430LIU3

M. Yu - cross - Fischetti

1 Q. It concerned you because you had signed it, right?

2 A. Yes.

3 Q. And according to you, you would get in trouble for signing
4 it if anybody found out?

5 A. Yes.

6 Q. So you were nervous?

7 A. Yes.

8 Q. You were concerned?

9 A. Yes.

10 Q. You went to Karen and talked to her about it?

11 A. I'm sorry, what are you saying?

12 Q. You went to Karen and talked to her about it?

13 A. Yes.

14 Q. And she tried to comfort you, you said, right?

15 A. Yes.

16 Q. And you signed the case, you signed it, right?

17 A. Yes.

18 Q. And you told Karen about it --

19 A. Yes.

20 Q. -- isn't that right.

21 Can you tell me the name of the case?

22 A. I don't remember the name. It's a female applicant,
23 because when I sign on the application, I didn't review the
24 content. And the first time I met that female applicant is on
25 the day she return from the asylum office. And I never met her

1630

E430LIU3

M. Yu - cross - Fischetti

1 and talk with her.

2 Q. Okay, but you are telling the jury there exists a bad case,
3 right?

4 A. Yes.

5 Q. There exists a bad case in Feng Ling's office, right? It
6 was from Feng Ling's office, the bad case, this asylum
7 application?

8 A. Yes.

9 Q. Okay.

10 And you were involved in it because you signed it,
11 right?

12 A. I signed on it. I'm sorry?

13 Q. You didn't sign the application, and that's what you were
14 worried about?

15 A. I signed it.

16 Q. That's what I'm saying. And you signed this bad case,
17 right?

18 A. Yes.

19 Q. And it concerns you, right?

20 A. Yes.

21 Q. And according to you, under oath, you're telling us that
22 this exists, this bad case; isn't that right?

23 A. Yes.

24 Q. And the government gave you a list of, a very list, of all
25 of the cases you signed; isn't that right?

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E430LIU3

M. Yu - cross - Fischetti

1 A. No, they didn't give me.

2 Q. Did they give you that list? No, they didn't?

3 A. They didn't give me all of the cases I sign. It gave me
4 part of the cases I signed.

5 Q. Okay, so it gave you part of the cases you signed --

6 A. Yes.

7 Q. -- right? Was that case on the list so I can check what
8 you are saying is true?

9 A. Yes.

10 Q. What is the name?

11 A. If you can check on the government record, you check the
12 asylum interview record in about July --

13 Q. July what?

14 A. 2011.

15 Q. Okay.

16 A. I believe the asylum officer tried to contact her again.

17 Q. But I want to know the name of the case so I can find it.

18 A. I don't have the name.

19 Q. The name or the number of the case.

20 A. I don't remember the name, because I sign a lot of cases.

21 Q. You don't remember the name, but just let me see if I can
22 understand this. I'll accept your answer --

23 A. Okay.

24 Q. -- okay, I'm not trying to trick you in any manner.

25 You signed the application, isn't that right?

1632

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. You are saying it is a bad case, isn't that right?

3 A. Yes.

4 Q. You had to have looked at the name of the applicant, didn't
5 you? Did you look at the name of the applicant when you knew
6 it was a bad case?

7 A. Yes, I --

8 Q. Did you know it was a bad case, then, when you saw the name
9 of the applicant?

10 A. Yes.

11 Q. And can you tell the jury, now, who that was? The name.
12 Yes or no?

13 A. I -- when I found that bad case, I -- I read her
14 application, and I -- at that time, I know -- I -- I knew her
15 name, but I forgot right now.

16 Q. So you forgot her name right now?

17 A. Yeah, I know her --

18 Q. That was important to you, wasn't it. I mean this was
19 something that was really, really troubling you. You were
20 concerned that you could get arrested for this, right? Weren't
21 you?

22 A. Yes.

23 Q. And as you sit here, now, talking about this bad case to
24 the jury, you don't remember her name, as you sit here now?

25 A. Yes, I don't remember.

1633

E430LIU3

M. Yu - cross - Fischetti

1 Q. You don't remember her name. That's all I want to know.

2 A. Okay.

3 Q. If you remember it while we're talking, if you suddenly
4 remember it, just please tell me.

5 A. Okay.

6 Q. When you went to work for the Feng Ling law firm, you went
7 to work, according to you, that it was a legitimate firm, is
8 that right?

9 A. Yes.

10 Q. And, then, as you started to work, you realized that fraud
11 was going on, is that right?

12 A. Yes.

13 Q. And then, as you further went on, you realized that Karen,
14 the person who owned the firm, was participating in the fraud,
15 is that right?

16 A. Yes.

17 Q. And you learned that she was going to ask you to
18 participate in the fraud yourself, isn't that right?

19 A. Yes.

20 Q. And participate in the fraud by writing false applications,
21 is that correct?

22 A. Yes.

23 Q. False stories, right?

24 A. Yes.

25 Q. Find false documents, right?

1634

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. Now, at that point, you were in the United States and you
3 wanted to become a lawyer; is that right?

4 A. Yes.

5 Q. So here you were, working for a firm that you thought was
6 legitimate, all of a sudden they said they wanted you to be
7 involved in criminal work; isn't that right?

8 A. Can you repeat the question, I'm sorry.

9 Q. I'm sorry. All of a sudden you learned when you were
10 there, that to stay there, you would have to commit crimes,
11 isn't that right?

12 A. Yes.

13 Q. You didn't leave, did you?

14 A. No.

15 Q. You stayed, right?

16 A. Yes.

17 Q. For how long?

18 A. I stay in that firm for three years.

19 Q. Three years, you stayed, committing crimes. Right?

20 A. Yes.

21 Q. And you never left?

22 A. I tried to left. And I left, finally.

23 Q. I'm sorry?

24 A. I always try to left, to leave the -- the firm. If I can
25 find another job. Another job will sponsored my status. And I

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E430LIU3

M. Yu - cross - Fischetti

1 finally left the firm when I got my status.

2 Q. So let's get this straight. You could have left and gotten
3 a job as a waitress, isn't that right? Because that's what you
4 are doing now, right?

5 A. Yes.

6 Q. Are you saying that Karen forced you to stay?

7 A. I'm not saying that.

8 Q. Are you saying that she threatened you?

9 A. No.

10 Q. If you would have left, she would have turned you in?

11 A. No.

12 Q. Are you saying that you could not leave, for any reason,
13 because you would lose your status and be deported, is that
14 what you are telling us?

15 A. Yes.

16 Q. Okay. So you're telling us that because you thought that
17 you couldn't get another job with the same status, you would,
18 you, yourself, would stay there for three years committing
19 frauds, is that right?

20 A. Yes.

21 Q. And now, here, pursuant to your cooperation agreement, you
22 are telling us that Karen was the one who taught you how to do
23 this, right?

24 A. That's truth.

25 Q. Well my question is, are you saying that she is the one who

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E430LIU3

M. Yu - cross - Fischetti

1 taught you to do it?

2 A. Yes.

3 Q. Okay. And you are saying that you never left, you just
4 continued to commit all of those crimes; is that right?

5 A. Yes.

6 Q. Now, when you pled to your crimes for immigration fraud,
7 you realized that those crimes included deceit, lying, and
8 helping other people to lie; isn't that right?

9 A. Yes.

10 Q. Okay. And you pled because you were facing 15 years in
11 jail; is that right?

12 A. Yes.

13 Q. And you're hoping that you will get zero if the
14 government --

15 The government, right?

16 -- believes you are not lying, right?

17 A. Yes.

18 Q. And, isn't it true that you believe that it's important to
19 you, and your sentencing, that this jury believe your testimony
20 and convicts my client?

21 A. I don't think that is important, because I was told I just
22 do my best, I don't need to care about the result.

23 Q. Okay. So now I'm asking you what you believe. I
24 understand what they told you.

25 A. Uh-huh.

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E430LIU3

M. Yu - cross - Fischetti

1 Q. But now I'm asking what you believe.

2 Do you believe it would be a good thing for you, when
3 you're sentenced and your lawyer can stand up before this judge
4 and talk about your substantial cooperation and say to the
5 judge she testified here and she convicted Karen, don't you
6 think that would be a good thing for you?

7 A. I -- I don't --

8 Q. Yes, or no --

9 A. No.

10 Q. -- or if you know.

11 A. No, I have done my best to --

12 Q. I understand. I understand you did your best, that's a
13 different question. Listen to my question and see if you can
14 answer yes or no, and I'll accept your answer.

15 A. Okay.

16 Q. I'm asking you, when you get sentenced, you know your
17 lawyer is going to speak for you; is that correct?

18 A. Yes.

19 Q. You have a lawyer; is that right?

20 A. Yes.

21 Q. That lawyer appeared with you on your proffer sessions?

22 A. Yes.

23 Q. On your cooperation, is that right?

24 A. Yes.

25 Q. He was here before the judge when you pled guilty, is that

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E430LIU3

M. Yu - cross - Fischetti

1 correct?

2 A. Yes.

3 Q. And that judge, that lawyer, is gonna be standing before
4 you when you are sentenced; is that correct?

5 A. Yes.

6 Q. And you know that lawyer is going to make a statement, a
7 pitch to the judge, on why you shouldn't go to jail; isn't that
8 right?

9 A. Yes.

10 Q. And you want to get zero, right?

11 A. Yes.

12 Q. So my question, simply, is do you think it would be better
13 for you to have your lawyer stand up before this judge and say,
14 your Honor, she cooperated completely, the jury believed her,
15 and they convicted my client. Do you think that would be a
16 good thing for you? Or wouldn't it matter.

17 MR. EAGAN: I think this has been asked.

18 MR. FISCHETTI: It has not been answered. Its been
19 asked.

20 THE COURT: Let's have an answer and move on.

21 You can answer the question.

22 THE WITNESS: Okay.

23 A. Maybe.

24 Q. The answer is maybe.

25 A. Yes.

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E430LIU3

M. Yu - cross - Fischetti

1 Q. Okay, I'll accept maybe.

2 Now, after you left the firm, you got a job, isn't
3 that right?

4 A. Yes.

5 Q. And who did you go to work for?

6 A. I worked for agent, it an employment agent.

7 Q. And did they get you a job, the employment agency?

8 A. I'm sorry?

9 Q. Did they get you a job?

10 A. Yes.

11 Q. Where did they get you a job?

12 A. Sent me to a law firm. I work there as document reviewer.

13 Q. And the law firm they sent you to was?

14 A. Dorsey and Whitney.

15 Q. Very large law firm?

16 A. Yes.

17 Q. Prominent law firm?

18 A. Yes.

19 Q. And you applied for that job?

20 A. Yes.

21 Q. And when you applied for that job, you were interviewed?

22 A. I was interviewed by the agent.

23 Q. And then you went on the job?

24 A. Yes.

25 Q. Did you tell the agency, before you were sent to this job

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E430LIU3

M. Yu - cross - Fischetti

1 at a law firm, that you were guilty of any number of frauds?

2 A. No, I didn't tell them, because --

3 Q. Did you -- did you tell them, yes or no.

4 A. No.

5 Q. And did you tell them that you were going to plead guilty
6 to the felonies?

7 A. No.

8 Q. You never told them that either?

9 A. No.

10 Q. When you got to Dorsey & Whitney, it was a law firm. You
11 were a lawyer at that point, right?

12 A. Yes, but --

13 Q. You were a lawyer?

14 A. I was hired as a paralegal.

15 Q. I asked a simple question. When you went to Dorsey &
16 Whitney to work, were you a lawyer?

17 A. Yes.

18 Q. And as I understand it, you left for a period of time to
19 study for the bar; is that right?

20 A. Yes.

21 Q. So you left the Moslemi firm to study for the bar, took it
22 once, failed, took it a second time, passed, okay?

23 A. Yes.

24 Q. I did the same thing, so.

25 So now you passed, you are a lawyer; is that right?

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E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. But before you actually become a lawyer, you have to pass a
3 character and fitness test; is that right?

4 A. Yes.

5 Q. And you have to see somebody, and sit down with this
6 person, and tell them that you are qualified, ethically, to be
7 a lawyer; isn't that right?

8 A. Yes.

9 Q. And you know what ethically means, don't you?

10 A. Yes.

11 Q. So did you have that interview?

12 A. Yes.

13 Q. Were you, in your mind, ethically competent to be a lawyer
14 at that point in your life?

15 A. No, I -- what I was doing at that firm --

16 Q. So, you knew that you shouldn't have been a lawyer at all,
17 isn't that right?

18 A. Yes.

19 Q. Now, you went to take the bar exam. You took the bar exam.
20 You passed the bar exam. You went to the character and fitness
21 interview. Obviously you lied to them about whether or not you
22 were ethically competent to be a lawyer, right?

23 A. Yes.

24 Q. And then you didn't change anything. You came back and
25 continued to commit frauds, isn't that right?

1642

E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. So now you leave the firm as a practicing lawyer, is that
3 right, able to practice anywhere in New York State; is that
4 right?

5 A. Yes.

6 Q. You are not a lawyer anymore, are you?

7 A. No.

8 Q. Did you resign from the bar?

9 A. Yes.

10 Q. Okay. So when you go to Dorsey & Whitney and you are going
11 to work there as a lawyer, you don't tell them anything about
12 what your prior conduct was as a lawyer?

13 A. No. I work there, not as a lawyer. I worked there not as
14 a lawyer --

15 Q. I understand that. You worked there as a paralegal to
16 translate documents, is that correct. You didn't represent any
17 clients.

18 A. Yeah, when they hire people, they advertise they wanted
19 people with legal background or paralegal. It is not necessary
20 to be an attorney at that time.

21 Q. Good. I understand that. But you never told them about
22 your prior criminal past, right?

23 A. No.

24 Q. And, in fact, when you went there and applied to Dorsey &
25 Whitney, you had already pled guilty; is that correct?

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E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. It wasn't that you just were cooperating and telling the
3 government that you committed crimes, you actually stood up
4 before a judge, like this, and said I did commit these crimes,
5 I pled guilty; is that right?

6 A. Yes.

7 Q. And now you are working in a law firm as a paralegal,
8 right?

9 A. Yes.

10 Q. Did you tell them, while you were working there as a
11 paralegal, that you were a convicted felon, didn't they ask you
12 to sign a confidentiality agreement, which basically asked you
13 if you had committed any crimes or had been involved in any
14 criminal conduct?

15 A. I signed. But the question only asked me whether you have
16 been convicted any criminal -- crime.

17 Q. Right.

18 A. I talk with my attorney and he said you are not convicted
19 yet, so I just answered the question no. In the firm, they
20 didn't ask me whether you plead any guilty.

21 Q. All right. Let's take this slow, so I can understand it.

22 You stood before a judge, before you went to Dorsey &
23 Whitney, right?

24 A. Yes.

25 Q. Okay. And this was a plea of guilty. You told the judge

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E430LIU3

M. Yu - cross - Fischetti

1 that you were guilty, right?

2 A. Yes.

3 Q. The judge asked you any number of questions, did you commit
4 this crime, you said yes. The judge asked you did you do it
5 voluntarily, you said yes. Asked you did anybody force you to
6 do it, you said yes. They said are you pleading guilty of your
7 own volition, you said yes. Right?

8 A. Yes.

9 Q. So you were convicted, then, when you told her that,
10 weren't you?

11 A. I asked my attorney. He told me I was not convicted at
12 that time.

13 Q. Did you look at the sentencing -- did you look at the plea
14 that you gave, did he know you pled guilty?

15 A. They don't know I plead guilty.

16 Q. Excuse me?

17 A. Who told me?

18 Q. I'm sorry, I don't understand now. You have to speak up.

19 I'm asking you, your lawyer, when he told you you were
20 not convicted, did he know you had pled guilty before the judge
21 to felonies, did he know that?

22 A. Yes.

23 Q. And he still said you were not convicted?

24 A. Yes.

25 Q. When the judge told you that you were eligible to be

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E430LIU3

M. Yu - cross - Fischetti

1 sentenced for 15 years, your lawyer knew that, he was here,
2 right?

3 A. Yes.

4 Q. And now you say you go to this lawyer and you ask him if
5 you have been convicted. Or he comes to you and says don't
6 worry about it, you have not been convicted. How did it
7 happen?

8 A. I talk with him about it, this job application. And the
9 question they asked me, I worry about it. I worry with apply
10 plead guilty thing. And I told my attorney they only asked me
11 whether I have been convicted of any crime, and he said --

12 Q. I'm sorry?

13 A. -- technically you are not convicted yet.

14 Q. Not convicted yet.

15 A. Yes.

16 Q. Did he say like it takes six months or a year after you
17 plead guilty to be convicted. I mean is that the way it works
18 according to him?

19 MR. EAGAN: Objection.

20 THE COURT: Yeah, I'm going to sustain that.

21 Q. Well, let me ask you this. Before you signed the
22 confidentiality agreement, after you pled guilty to the
23 felonies, right, before you took the job, you asked your
24 attorney if you have been convicted, he said no. Is that
25 right, am I right so far?

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E430LIU3

M. Yu - cross - Fischetti

1 A. Yes.

2 Q. Did you tell the government, did you check with the
3 prosecutors and ask them -- let me finish -- can I take this
4 job and sign this application and say I have not been
5 convicted. Did you ask any of them?

6 A. I told the government, because I was sent to Guangzhou to
7 do this job. I talked to the government and I applied to the
8 judge. They know what I -- I was doing for that job. And
9 they -- they agree me to leave the country, they help me to
10 leave the country, they know what the job I was doing at that
11 time.

12 Q. Okay. We'll get to that. But my question is, you signed a
13 document to get this job that says that have you been convicted
14 of a crime, and you said no, right?

15 A. Yes.

16 Q. Did you ask the prosecution, was that all right that I lied
17 on my application. Did you ask them that?

18 A. I didn't ask them. I asked my attorney --

19 Q. Okay. If you didn't ask them, that's fine with me.

20 Now, there come a point when you are doing that job
21 and you're sent to China. They want you to go to China, is
22 that right?

23 A. Yes.

24 Q. And you need permission to go the China because, well, I
25 don't want to say you're convicted, because you say you are not

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E430LIU3

M. Yu - cross - Fischetti

1 convicted, but you have got bail limits so that you can't
2 travel outside of the country; is that right?

3 A. Yes.

4 Q. Pretrial services, or someone, has your passport; is that
5 right?

6 A. Yes.

7 Q. And you can't travel without the judge's permission.

8 A. Yes.

9 Q. Isn't that right?

10 A. Yes.

11 Q. So you speak to your lawyer to try and go to China and do
12 this job that you are doing, is that right?

13 A. Yes.

14 Q. And isn't it a fact that the only way you could go to China
15 for this job, and leave the country with the passport, is if
16 the judge signs an order allowing you to go; isn't that right?

17 A. Yes.

18 (Continued on next page)

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1648

E43Wliu4

M. F. Yu - cross

1 BY MR. FISCHETTI:

2 Q. And you do get the judge to sign the order allowing you to
3 go, right?

4 A. Yes.

5 Q. But isn't it true that that order says specifically that
6 you can only go there for purposes of work?

7 A. Yes.

8 Q. And you know that because you read it?

9 A. Yes.

10 Q. Right? Your attorney sent it to --

11 MR. FISCHETTI: Your Honor, I offer Defendants'
12 Exhibit 6 in evidence.

13 THE COURT: Is there any objection?

14 MR. EGAN: I just want to see how he's going to use
15 it.

16 THE COURT: I'm waiting for that as well.

17 MR. EGAN: I'm sorry.

18 THE COURT: Just lay a foundation.

19 MR. FISCHETTI: Sure. Okay.

20 Q. You talked about your lawyer writing a letter to the judge
21 to get you permission, Ms. Yu. Will you look at this document
22 and tell us if that looks like the letter the lawyer wrote?

23 A. Yes.

24 MR. FISCHETTI: Your Honor, I'd like to publish it to
25 the jury.

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E43Wliu4

M. F. Yu - cross

1 THE COURT: Is there any objection to the exhibit?

2 MR. EGAN: No.

3 THE COURT: It is admitted.

4 (Defendants' Exhibit 6 received in evidence)

5 MR. FISCHETTI: The letter is on the letterhead of
6 Patrick J. Joyce, Esq., with his address, and it's sent to the
7 Honorable Robert P. Patterson, United States district judge,
8 here, and it says, "Dear Judge Patterson, I am the attorney for
9 the defendant Meng Fei Yu, the defendant in the
10 above-referenced case. I'm writing this letter to request an
11 alteration in the bail conditions which were set in court on
12 August 21, 2012. The conditions set by the Court restrict
13 Mrs. Yu's travel to the Eastern and Southern Districts of New
14 York and the District of New Jersey. Ms. Yu would like to take
15 a one-month trip to China beginning July 19, 2013, and ending
16 on August 19, 2013. This trip is work related and necessary
17 for her to keep her position as a document reviewer with the
18 law firm of Dorsey & Whitney. I've conferred with Assistant
19 United States Attorney Brian Blais, and the government consents
20 to this request." And then there's a signature of the judge
21 approving it.

22 Q. So you got approval to go to China to work for a month, is
23 that right?

24 A. Yes.

25 Q. And during the time you were in China, Dorsey & Whitney

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E43Wliu4

M. F. Yu - cross

1 knew that, as they said, you were convicted of a felony, is
2 that right?

3 A. Yes.

4 Q. You didn't believe you were convicted of a felony because
5 your lawyer told you you hadn't been convicted, but that's what
6 they believed, is that right?

7 A. Yes.

8 Q. And when they found out, they immediately contacted you and
9 told you to come back immediately and stop working on the case,
10 isn't that right?

11 A. Yes.

12 Q. They sent you e-mails to come back, is that right?

13 A. Yes.

14 Q. They got you a ticket to come back, is that right?

15 A. Yes.

16 Q. But you didn't use the ticket, is that correct?

17 A. Yes.

18 Q. And you didn't use the ticket because you said I will stop
19 working on your project, but I can't come back now because I
20 have personal plans in China?

21 A. Yes.

22 Q. And you did have personal plans?

23 A. Yes.

24 Q. So your trip to China was not just work related?

25 A. No.

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E43Wliu4

M. F. Yu - cross

1 Q. It was for personal plans --

2 A. No.

3 Q. -- that you had in China?

4 A. No.

5 Q. Is that right?

6 A. No. The real reason --

7 Q. Not correct?

8 A. No. Not correct.

9 Q. All right. Not correct, not correct. But you did say you
10 couldn't come back because you had personal plans, is that
11 right?

12 A. Yes.

13 Q. Then eventually, of course, you did come back?

14 A. I'm sorry?

15 Q. You did come back, of course?

16 A. Yes.

17 Q. And you lost your job?

18 A. Yes.

19 Q. Now, these applications that we've talked about, that you
20 signed, each one of them that you signed says, "I declare that
21 I have prepared this application at the request of the person
22 named in part D, that the responses provided are based on all
23 information of which I have knowledge, and which was provided
24 to me by the applicant, and that the completed application was
25 read to the applicant in his or her native language, a language

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E43Wliu4

M. F. Yu - cross

1 Q. What did you talk about?

2 A. We talk about my husband school application and we chat a
3 little bit.

4 Q. Excuse me?

5 A. We talked a little bit.

6 Q. Nothing about the case?

7 A. No.

8 Q. Nothing about him being an interpreter?

9 A. No.

10 Q. How often have you spoken to him, if you can recall, in the
11 last year?

12 A. Spoke each other, you mean?

13 Q. Excuse me?

14 A. What's your question? You mean spoke to each other or
15 contact each other? What's your question?

16 Q. How often have you spoken to him, first, and how often have
17 you contacted him? Make it two questions.

18 A. Okay. We, we spoke to each other every, every one or two
19 months. We often call each other, maybe one time every, every
20 few weeks.

21 Q. So this is during the past year, one-year time?

22 A. Yes.

23 Q. You would speak to him every few weeks?

24 A. Yes.

25 Q. Would you call him or would he call you or it went back and

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E43Wliu4

M. F. Yu - cross

1 Q. Let me ask you this.

2 A. Okay.

3 Q. Last question. Okay? Do you remember saying or in the
4 conversation, whether you said it or it was said to you, that
5 if there was trouble, you can present files to try and clear
6 your name and push everything on --

7 MR. EGAN: Your Honor --

8 Q. -- everything on Karen, to shift the blame to Karen. Do
9 you recall if somebody said that to you?

10 A. I don't remember.

11 MR. EGAN: Objection.

12 THE COURT: She doesn't remember.

13 MR. FISCHETTI: I'm going to refresh her recollection.

14 THE COURT: But it's not her statement, right?

15 MR. FISCHETTI: I'm asking if she or if a speaker told
16 her that. I'm not asking what she said.

17 MR. EGAN: That would be hearsay.

18 MR. FISCHETTI: I'm asking if she heard the statements
19 spoken to her.

20 THE COURT: Right. That would be hearsay.

21 MR. FISCHETTI: That would be hearsay? Judge, can I
22 make a record of that.

23 THE COURT: Sure.

24 (Continued on next page)

25

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E43Wliu4

M. F. Yu - cross

1 (At the side bar)

2 THE COURT: Is this the coconspirator statement?

3 MR. FISCHETTI: No, it's not. It's not a big point,
4 and I'm finished. I'm basically offering this statement not
5 for its truth but for the effect on the listener. We have a
6 tape where it was actually said.

7 THE COURT: And tell me the statement.

8 MR. FISCHETTI: The three of them were talking. It
9 was saying if we have any trouble, if Karen has any trouble, we
10 can all shift the blame to Karen. That's what the statement
11 is.

12 MR. FRANZ: The statement is to this witness and
13 another government witness, if you have a problem, you can push
14 everything on to Karen. The government witness on tape
15 suggests this to this witness, that that would be something
16 that she could do. And I think that goes to state of mind.

17 MR. EGAN: The argument is what they did. Of course
18 it's for the truth.

19 THE COURT: I'm sorry?

20 MR. EGAN: The argument is that's what they did, that
21 they pushed it all on Karen.

22 THE COURT: But it's also the argument that it gave
23 her an idea as to what to do and how to do it, which is what
24 they're suggesting she's doing now. Right? So I'm going to
25 allow it.

2057

E480liu5

HAN - CROSS

1 writing and I will respond here in court or what I'll do is
2 send back testimony or evidence that is responsive to your
3 question. So that's how that process will work. But, right
4 now, we're going to turn to closing arguments.

5 And we'll hear first from the government.

6 MS. MERMELSTEIN: Thank you, your Honor.

7 THE COURT: I'm going to ask all of the lawyers to
8 speak into the microphones. Thank you.

9 MS. MERMELSTEIN: Huai Guo Wu, was a 19 year old high
10 school graduate when he came to America to try and earn money
11 for his family. He took English classes. He worked long hours
12 in a restaurant. And in 2011, he walked into the Bandrich law
13 firm and asked for help getting a green card.

14 He walked out conveniently transformed into a
15 persecuted Christian who had been beaten, and interrogated, and
16 imprisoned because of his faith.

17 Now, real, real law firms take asylum applicants who
18 have real stories of persecution, and they help those people to
19 apply for the asylum that they are entitled to. But the
20 Bandrich law firm created false asylum claims for anyone, who
21 had the \$10,000, for anyone who walked in their door. If you
22 had \$10,000, they had a false asylum claim for you. Because at
23 the Feng Ling Liu and the Bandrich law firms, a little thing
24 like the truth never stood in the way of a false asylum claim.

25 And that is why we are here today. Because these

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E480liu5

HAN - CROSS

1 defendants, Feng Ling Liu, and Vanessa, and Rachel Yang, they
2 participated in a brazen and efficient conspiracy to defraud
3 the entire asylum system.

4 These defendants, and the people with whom they
5 worked, filed nearly 2,000 asylum applications. They took any
6 person who walked in the door and they made them a victim of
7 the Chinese government. Christianity, family planning, falun
8 gong. If you had \$10,000, they had a claim for you.

9 Why? For the money. Over the nearly five years of
10 this conspiracy, these defendants, together, billed something
11 like \$18 million; \$10,000, \$11,000, \$13,000 an application, by
12 1800 or 2000 applications, and that is the math. This firm was
13 wildly successful. They took the hard-earned money of poor
14 farmers, and dishwashers, and restaurant workers, and they got
15 them asylum.

16 The evidence is now in. And you know that the
17 evidence is simply overwhelming that the Feng Ling Liu and the
18 Bandrich law firms were running a massive immigration fraud.
19 You saw that from literally the very first moment that an
20 applicant walked in their door.

21 Remember that very first recording, when Lin Chen went
22 to the Moslemi law firm. What were the very first questions
23 that she was asked? Did they ask her about her personal
24 experiences in China, did they ask her about any persecution
25 that she might have suffered? Was she asked anything at all

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1 about what had happened to her? No. Here's what she was
2 asked. Have you been caught. Have you been fingerprinted. Do
3 they have your records.

4 And what happened when Lin Chen walked in the door at
5 the Bandrich law firm? The very same thing. She tells the
6 receptionist that she has been here for two years, and that she
7 arrived illegally. And what does the receptionist say? What
8 does the receptionist ask? Have you opened a bank account. Do
9 you have a credit card. Have you applied for a tax ID. Were
10 you caught in another country on your way here.

11 And Jason and Huai Guo Wu had that identical
12 experience. This fraud was so open, it was so bold that they
13 didn't even pretend to ask if someone had a real claim.
14 They didn't ask about the asylum applicant's persecution. The
15 only thing they cared about was whether there was evidence that
16 you had been in the country for more than one year. And you
17 know why that one fact was so important? Because you know that
18 asylum applicants have to apply for asylum within one year of
19 their arrival. So if you opened a bank account, or you went to
20 the hospital, or you got caught coming in over the border, then
21 even the Feng Ling Liu and the Bandrich law firms, they
22 couldn't make that go away. But so long as there was no record
23 of you being here, they didn't really care how long you had
24 been here.

25 Lin Chen told the receptionist she had been here for

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1 two years. And that was no problem because the law firms were
2 perfectly happy to help you get one-year proof letters and
3 documents that suggested that you had only been here for less
4 than a year.

5 And where did these conversations take place? Not in
6 a private office, not behind closed doors. Take a look at the
7 reception area of the Feng Ling Liu and Bandrich law firms.
8 Should be coming up on your screens. Look at the reception
9 area at the Bandrich law firm. These blatantly openly
10 fraudulent conversations took place out in the open where
11 anyone could hear them.

12 So talking to the receptionist, that was step 1. What
13 was step 2? That was intake. Applicants met Feng Ling Liu and
14 David Miao and Lillian Miao and Harry Liu and Rachel Yang. And
15 what was discussed at that meeting? Not the personal story.
16 Not the details of any actual persecution. And where were
17 these conversations? They were in people's offices with the
18 doors wide open. What was discussed? The office managers
19 would, again, ask people if there was any evidence that they
20 had been in the country for more than a year. And the firm got
21 basic biographical information that they needed to assign a
22 client a fraudulent claim.

23 And the firm talked money. Why were the office doors
24 left open? Because this was not a secret. Everyone knew that
25 this was a fraud. It didn't have to be hidden from anyone who

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1 worked at that law firm. And you have recordings of these very
2 interactions. Look at what Lillian Miao said in the intake
3 meetings. Look at that very first meeting with Lin Chen. It's
4 government exhibit 40. Lillian asks: Are there any records
5 that you have been in the United States. Are you married. And
6 how old are you. And that is it. Lillian explains the fee
7 structure, that you can pay a thousand dollars up front and pay
8 \$10,000 more when you win. Or, you can pay \$500 up front
9 that's refundable if you lose. But, if you win, it's another
10 \$13,000. And, then, based on that bare information, Lillian
11 recommends a claim. She says, You are a single woman? For
12 you, we recommend a forced abortion. But she says if that
13 makes you uncomfortable, you can also claim that you were
14 persecuted based on Christianity. Not a single question about
15 the forced abortion. Not a single question about whether or
16 not she believes in Christianity, whether she was ever
17 pregnant, whether she even had a boyfriend. And that is
18 exactly the same thing as happened at the Bandrich law firm.

19 Lin Chen walks in, she says, I'm a single woman, I
20 have never been caught in the United States, and I'm not living
21 in New York. She says that she left China via Hong Kong. And
22 what does she get told? Same fee structure. The identical fee
23 structure at the two law firms. And they tell her that it's
24 gonna be at least \$10,000. And you saw that that was money
25 that was paid in cash. And you saw some of that cash that was

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1 found in the law firm when the FBI searched it.

2 And what is the firm concerned about in this first
3 meeting? They are concerned that the government will be able
4 to confirm when Lin Chen left China. They tell her the record
5 of your departure from Hong Kong might be discovered by the
6 immigration authorities, based on our experience. And you know
7 this is exactly the kind of thing that these law firms were
8 concerned about, because look at the notepad that was found in
9 the Moslemi law firm. What does that say? It says in
10 countries in South America and Central America, it is easy to
11 find out. It may have found out, except for Venezuela and
12 Cuba. In Argentina, it is not easy to find out. What are they
13 talking about? They are talking about which countries the
14 government can verify that you have gone through on your way
15 here. And look at the photos of the law firms themselves.
16 Look at the walls. Look at how many maps are on the walls of
17 that law firm. Why? So you could coach asylum applicants
18 about the routes they were going to say they had taken to come
19 into the United States.

20 And going back to the Lin Chen meeting at Bandrich,
21 what do they tell her? Not you can't apply for asylum if you
22 have been here for more than a year, not you can't apply here
23 if you don't live in New York. She doesn't get asked about her
24 experience in China. Here's what they tell her. Christianity
25 is really complicated if you don't live in New York because you

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1 are going to have to start going to church. And how are you
2 going to go to a church in New York if you don't live here.
3 Instead, they recommend family planning. And so, now, the
4 applicant has a story assigned to them, a claim assigned. What
5 is the next step? It's the storywriting. Storywriters, like
6 Meng Fei and Victor, would get a file. And that file had three
7 things on it; the client's name, their telephone number, and
8 which claim they were assigned.

9 And did the storywriters interview the applicant, did
10 they ask them questions? Not really. They took basic
11 biographical information and then they used that basic
12 information to create a story. They made it up. And if the
13 storywriters were being pretty careful, they sometimes said no,
14 no you write the story first. But you heard what happened.
15 Applicants didn't know how to make these stories up. And so
16 even when they told the applicants to write these first drafts
17 themselves, you saw what happened. Look at what happened with
18 Lin Chen. She goes to Feng Ling Liu. Look at Huai Guo Wu and
19 his experience at Bandrich. The storywriters, the people like
20 Rachel Yang. They just write the stories. They give them the
21 whole story, and tell them to copy it over. They don't
22 interview the asylum applicants before they add details to
23 their story. They just add facts to the story about
24 persecution, about detention, about beatings. And the
25 storywriters showed those stories to the lawyers. Lawyers like

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1 Feng Ling Liu and Vanessa. And what did the lawyers do to
2 those stories? They made changes. They made a beating more
3 severe, they made the amount of time that a person had been in
4 detention a little shorter. Because if you say you have been
5 detained for six weeks, it's gonna be a little strange when you
6 can't describe what the place looks like that you were detained
7 in. And you have specific examples of this. Look at
8 government exhibit 416. Where Vanessa adds in information
9 about a person being detained for a month, and being
10 mistreated, even though that information appears nowhere in the
11 translated version that Vanessa is looking at.

12 And the law firms also help to gather proof, one-year
13 proof. First, the applicants needed attesting letters, letters
14 from family and friends in China that would describe their
15 pretend persecution. And you have heard there were a couple of
16 requirements for these letters. First, they had to look like
17 they had really been written in China. So it had to be on
18 right-sized paper, they had to use the right kind of ink and
19 you needed to have a postmarked envelope from China.

20 Second, the person writing the letter was supposed to
21 include a copy of their identification. So here, you cannot
22 just make up a person's name, you need to have a real person
23 who is going to let you use their ID. And that person has to
24 be more or less the right age and the right gender. Because a
25 letter portending to be from a boyfriend in support of a

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1 girlfriend's asylum application, that has to be someone who is
2 more or less the same age. But if you are getting a letter
3 from a fake pastor, it is a good idea to get that from someone
4 who is older, so it looks like the kind of person who really
5 might be a pastor. And how do you know all of this? Well, you
6 heard it directly from Meng Fei and from Victor. They wrote
7 these attesting letters. They drafted these fake stories. And
8 they did that without ever asking any client for actual
9 details.

10 They followed the law firm's guidelines that in a
11 Christianity claim, you needed a letter from a friend, a letter
12 from a family member, and a letter from your pastor. And that
13 you had to have an ID that fit more or less into the right age
14 bracket. And the exact same thing was happening at Bandrich
15 law firm. Because, remember, Rachel Yang told Huai Guo Wu, she
16 told him you need a letter from your mom, you need a letter
17 from a friend, and you need a letter from a pastor. And she
18 specifically said you should get someone older to give you
19 their ID to be the pastor. And that is all Rachel Yang told
20 him Before handing him three already typewritten letters to
21 have him send them to China to be recopied and mailed back.

22 Of course, Huai Guo Wu didn't have a pastor. Huai Guo
23 Wu was never persecuted based on Christianity. So what did he
24 do? You heard what he did. He asked his uncle, an older
25 person with a different last name, a person who was absolutely

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1 not a pastor. And you even saw how those letters would be
2 written, with blanks for the name for the person who was going
3 to sign. Because sometimes the applicant wouldn't know whose
4 identification they were going to use.

5 Look at the picture of the computer screen that was
6 taken during the search of the Moslemi law firm. What is that.
7 That is a letter being written on the very day that the FBI
8 searched the law firm. And even though the law firm is the one
9 writing the letter, they don't know the name of the person it's
10 coming from. They have never talked to them. They just put in
11 XXX so it can be filled in later.

12 In some cases, you heard the applicants didn't even
13 bother to mail these letters to China. They just had people
14 copy them over inside the United States.

15 Lin Chen and Jason both told you that that is exactly
16 what happened with their letters. And, in fact, you heard Lin
17 Chen say that she had other people sitting around the law firm
18 copying it over for her, so the handwriting on the different
19 letters would be different.

20 The letters needed to have different handwriting, they
21 needed to have different ink, and needed to have different
22 types of paper. And what if you didn't have the right kind of
23 paper, what if you didn't have Chinese paper on hand, not a
24 problem. The law firm kept it on hand for clients to use.
25 Look at what was found in both law firms. Different kinds of

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1 blank paper ready to be used to create these fake letters.

2 But the only fake documents here were not the stories,
3 they were not the attesting letters. You also saw there was
4 all kinds of fake documents showing that people have been in
5 the United States for less than a year. Remember in government
6 exhibit 44, Lin Chen is sitting around the law firm. And just
7 sitting there, she hears Lillian Miao talking to some other
8 client right out in the middle of the law firm. So no effort,
9 by anyone to hide what is going on. And what does Lillian Miao
10 say? She says you need to get a fake airline ticket. And the
11 applicant says, I'm not exactly sure I know where to get fake
12 airline ticket. And she says, it is no problem, everybody in
13 Fujian knows how the get a fake airline ticket. Look at
14 government exhibit 57. That is the phone call between Lin Chen
15 and China. We didn't read that all of the way through in front
16 of you, but it's in evidence and you can look at it.

17 Look what happens. Lin Chen calls this document
18 provider in China. And he says he is already familiar with
19 what she needs. He is already familiar with the Feng Ling Liu
20 law firm. He can make boarding passes. He can make medical
21 records. He can make drivers licenses. Whatever you need, he
22 can make it. In fact, this practice was so common that when
23 Lin Chen goes to talk to David Miao and she tells him that her
24 one-year evidence worked, the asylum office thought her
25 one-year evidence looked pretty good. What does he say. He

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1 says where did you get it from? She says, oh, I used that guy,
2 the same person that Lillian told me to use. And he asked,
3 well, what did you pay for this asylum application, fake
4 evidence. And she tells him. And what does he say in
5 response? He says that was a pretty reasonable price. You saw
6 that the firm helped make these fake documents. You saw that
7 they had all kinds of blank paperwork ready to be filled out to
8 submit with fake asylum applications; blank church letterhead,
9 blank receipts, even blank medical records.

10 So what happened after an application was filed? The
11 applicant was prepared for their asylum interview. What kind
12 of materials did they use? You saw some of those materials.
13 Remember, you saw question and answer forms for Christianity,
14 in both the Moslemi law firm and the Bandrich law firm. And
15 these were not just similar question and answer forms.
16 Remember, Meng Fei Yu said that the very form she was used to
17 using in the Moslemi law firm, that same document was found in
18 the Bandrich law firm. The firms were using the identical
19 preparation materials.

20 And what kinds of information were these questions and
21 answers answered? They answered questions like what is the
22 Bible. They answered questions like when was Jesus born. For
23 falun gong, they answered questions like what is falun gong.
24 They told people applying, based on persecution under the
25 family planning policy, what the family planning policy was.

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1 And now you have to ask yourselves, what would a
2 legitimate law firm do with this kind of stuff? You heard Ms.
3 Caudill-Mirillo testify. She told you you don't have to be a
4 Christian scholar to apply for asylum. You don't have to be an
5 expert practitioner in falun gong. But use your common sense.
6 Are there people who are true believers in Christianity who do
7 not know what the Bible is? Are there people who practice
8 falun gong, who don't know what falun gong is. Are there
9 really women who have suffered forced abortions who are not
10 aware that China forbids pregnancy outside of marriage. Of
11 course not.

12 The one and only reason for these kind of training
13 materials to be present in this law office was to coach people
14 whose claims were made up, who didn't know about Christianity,
15 who didn't know about family planning, who didn't know about
16 falun gong. The only purpose that these materials had, was to
17 tell people how to lie.

18 And what could you tell from these coaching sessions.
19 What is crystal clear, is this. Every single person involved
20 knows that this is a fraud. Look at government exhibit 110,
21 where Lillian Miao is preparing Lin Chen. It's a long
22 recording, and we didn't read the whole thing. But what
23 happens in that prep session? Lillian explains, in graphic
24 detail, the way that an abortion happens. She talks about the
25 instruments that are used, she talks about the position that

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1 you would have to be on in the operating table, she talks about
2 how long it takes. And why is Lillian telling this to someone
3 who is filing an asylum claim based on forced abortion?
4 Because Lin Chen doesn't know what it is like to have an
5 abortion, she never had one. And the only way that she is
6 getting this information is from law firm.

7 Look at the recording where Jason is prepared by Kevin
8 at the Bandrich law firm. That is the exact same thing,
9 government exhibit 141. Kevin literally asks, Have you read
10 your story before. Kevin holds up materials and says I
11 recommend you read this to learn about falun gong. Kevin is
12 concerned that Jason won't be able to describe, with accuracy,
13 what a police uniform looks like. And so what does he tell
14 him? He says, do you have your personal computer. You could
15 find a TV drama, a drama called Police Chief.

16 Take a look at that TV drama, including how the public
17 security police officers look like, what uniforms they wear and
18 how they usually arrest people. When they arrest people, how
19 the police vehicles look like. All of these are in there,
20 including from how they interrogate people. That is Kevin's
21 advice. Don't know what to say, don't know how to lie, look it
22 up on the internet.

23 And, finally, let's look at this exchange. Kevin says
24 what you need to do now is to make those immigration officers
25 believe you are a practitioner.

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1 Jason says: Um. And Kevin says: Just like an actor.
2 And Jason says: Um. And Kevin says: Play it well. That is
3 Kevin's ultimate advice, being an actor. Treat it like a play.
4 Memorize your lines.

5 Now let me say just a brief word about the recordings
6 in this case. There has been a lot of fuss about the
7 recordings, about typographical errors, about the coincidence
8 of a translator knowing Meng Fei Yu.

9 Here is what you have not heard. You have not heard a
10 single question about the substantive accuracy of the
11 recordings. Phillip Hughes worked on every recording made by
12 Lin Chen. He was asked not one question about whether or not
13 the recordings, themselves, and the translations, were right.
14 Yes Chen got asked a couple of questions, like is the word for
15 invoice the same as the word for receipt. And he got asked
16 again, and again, and again, to define the phrase, mm-hmm,
17 mm-hmm, mm-hmm. And Mr. Lin got asked a very lot of questions
18 about Meng Fei Yu. But what didn't he get asked? He did not
19 get asked a single question about whether the translations were
20 right. There was not a single instance, not one, in which
21 defense counsel pointed to the recordings and to the
22 translations and said, wait, there is a whole part of the
23 recording that is not in the translation. Or, wait a minute,
24 there is something here in the translation, and it is not on
25 the recording. There was not a single time. And you have the

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1 transcripts. And you heard the testimony of the people who
2 actually made the recordings. And they told you, we read the
3 transcripts to you, and the Chinese is right. And they talked
4 to you about the kind of conversations they were having, and
5 they described those conversations, and it matches up to
6 exactly what is in the translations.

7 So why are defense counsel trying so hard to discredit
8 transcripts? Because the recordings are such powerful
9 evidence. Because you can't cross-examine a recording. You
10 can't make a recording cry. And these recordings are
11 devastating. These are recordings, without any other evidence,
12 on which you could convict all of these defendants.

13 So the defense lawyers have to do something. And they
14 have tried very hard to confuse the issue. But at the end of
15 the day, there is simply no evidence that these transcripts are
16 anything other than accurate transcripts of the recordings.

17 You heard it from the translators, you heard it from
18 the witnesses, and it matches up to exactly what you heard was
19 going on at these law firms.

20 So let's go back to the process for a second. If,
21 after all of this preparation, the applicants passed the asylum
22 interview, then that was it. The law firm got their money and
23 the person got asylum, anywhere from \$10,000 to \$13,000 per
24 applicant. But if they fail, they went to court.

25 Now as you have heard, it could literally take years

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1 for asylum applicants to have their day in court. And so you
2 don't have any recordings of applicants being prepared by the
3 lawyers themselves. Because the FBI arrested everyone before
4 those court dates would have come up. But you know what would
5 happen. The client would be prepared again. Often because so
6 much time had passed, the client would no longer remember their
7 fake story. And what would happen when a client didn't
8 remember their story? The lawyers would remind them. They
9 would point to the written story and they would tell the
10 applicants to memorize it. It is completely clear that these
11 law firms were shameless fraud mills. They churned out lie
12 after lie after lie with tremendous efficiency. And each and
13 every employee at the firm had their own role in helping that
14 to work. From the receptionist who asked if you had been
15 caught, to the lawyer who prepped you for your court hearing.
16 Everyone plays their role in getting these fraudulent asylum
17 applications to succeed, because that is how the law firm got
18 paid.

19 So what were these defendants' roles and how do you
20 know that they knew exactly what was going on? Let's talk,
21 first, about Feng Ling Liu. She was the leader of the entire
22 operation. It was her name on the door. She hired people.
23 She fired people. She gave out work assignments. She issued
24 internal rules to keep anyone at the firm from getting caught.
25 And she raked in millions and millions of dollars.

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1 So that's the first way you know, because she directly
2 participated in it. Through her open office door, right next
3 to where Victor and Meng Fei Yu used to sit, they heard her
4 meeting with new clients. They heard her get client background
5 information and age, and then assign them a claim without any
6 other discussion.

7 Feng Ling Liu reviewed stories and attesting letters
8 that were written by Victor and by Meng Fei Yu. And she would
9 make changes to those stories without speaking to the clients
10 and without speaking to the storywriter. In fact, you heard
11 that in one particular case, Feng Ling Liu rewrote an entire
12 story herself, story for David Miao's nephew.

13 How else do you know? Because look at the atmosphere
14 in the law firm. Look at who works there. Next to Feng Ling
15 Liu, you have her husband, Dave Miao. That is the very person
16 who conducted intake interviews and coached Lin Chen that under
17 no circumstances should she admit at an asylum interview that
18 she was lying. Feng Ling Liu's brother, Harry Liu, an office
19 manager at the Feng Ling Liu law firm, who went on to open up
20 the Bandrich law firm. Feng Ling Liu's sister-in-law Yolanda,
21 who trained Victor and moved to the Bandrich law firm where you
22 heard her talk to Lin Chen about what the best fraudulent
23 asylum application would be.

24 And Feng Ling Liu's sister, Lucy. And Lucy's husband,
25 Kevin. That's the same Kevin who coached Jason how to lie.
 (Continued on next page)

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E487LIU6

Summation - Ms. Mermelstein

1 And finally, David Miao sister Lillian, she's the one
2 who told Lin Chen exactly how to describe a fake abortion.

3 And what are people talking about in the open areas of
4 the law firm? They are talking about fraud. Look how often in
5 the recordings other clients are captured saying things that
6 are clearly part of the fraud. Look at how an unidentified
7 male or unidentified female are asking about fake documents,
8 timing or their fake claim. Was anyone trying to hide what
9 they were doing? The opposite. This was an open secret,
10 something that was hidden only from the government and from the
11 asylum office. Clients discussed their cases, their false
12 stories, their fake documents with each other and with other
13 people who worked at the law firm. So, Feng Ling Liu, just by
14 walking around the law firm every day, would have known exactly
15 what was going on.

16 And what about the efforts to hide the fraud? You
17 heard that Feng Ling Liu changed the law firm name to Moslemi &
18 Associates. You heard that after that change it wasn't a real
19 change, Feng Ling Liu was the boss, David Miao was the boss.
20 Nothing changed but the name on the front door.

21 And, in fact, while the firm name changed on English
22 language business cards and on signs that were in English, the
23 Chinese signs that were presented with Feng Ling Liu's name
24 inside the office and on the front door to the building, those
25 stayed exactly the same.

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E487LIU6

Summation - Ms. Mermelstein

1 in court.

2 At the beginning of this trial Mr. Egan asked you to
3 use your common sense. What does your common sense tell you?

4 What would you do if you found out that your employees were

5 committing a fraud under your roof? Would you respond with

6 outrage, with shock, with anger? Would you just say um-hum?

7 Of course not.

8 So, why is Feng Ling Liu responding this way? Because
9 she knows exactly what Meng Fei is talking about. She is not
10 shocked. But, as you heard, Feng Ling Liu was also very
11 careful. She was concerned about talking on the phone about
12 the possibility that her calls could be intercepted. And she
13 has a former colleague acknowledging the fraud on an open
14 telephone line. And so she says the minimum, mmm. That's it.

15 One final point about this call. This call does not
16 just show you that Feng Ling Liu knew about and participated in
17 the fraud at the Feng Ling Liu and Moslemi law firms. It shows
18 you that notwithstanding all of the nonsense about the name
19 changes, whether it was called Moslemi or Feng Ling Liu, this
20 firm always belonged to Feng Ling Liu, because here is what
21 this call tells you, that when it was made in September of 2012
22 Feng Ling Liu was still in charge. She is in charge of hiring,
23 she is in charge of assigning who goes to court and who does
24 what jobs, and she is still monitoring the asylum application
25 process. And when you take all of this together, it is clear

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Summation - Ms. Mermelstein

1 gets said in the conversations.

2 First, you hear over and over and over that Feng Ling
3 Liu trusts Bandrich, that Feng Ling Liu only wants Bandrich to
4 handle her cases. These are just a few cites: If Feng Ling
5 Liu ever has to get someone to cover her office, she only wants
6 me to do it. They really want me to take the case because
7 they've been so complicated. And Meng Fei says they trust you.
8 And Vanessa Bandrich says, right, they do. And Vanessa
9 Bandrich says, their office doesn't want anybody to play with
10 the file. When they can't handle it, they want me to handle
11 it.

12 Ask yourselves this. Feng Ling Liu builds a law firm,
13 she staffs it with family member after family member after
14 family member, and then they bring Vanessa Bandrich in; she is
15 their go-to person. They don't want to trust anyone else.
16 Would Feng Ling Liu brought someone in who had no idea what was
17 going on, someone who if they discovered what was going on
18 might call the F.B.I., might tell the court, might get them in
19 trouble? Of course not. Remember what Victor told you, they
20 only hired people who were dirty.

21 Let's look at 133. Vanessa Bandrich is complaining
22 that she has a case that she is worried is going to fail
23 because the applicant has traveled to the United States many,
24 many times and has never applied for asylum. And, remember, if
25 there is a record that you have come in before, that's

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Summation - Ms. Mermelstein

1 down. You know, last year Ms. Liu talked to me and Brendan
2 privately. I told you she would sometimes worry about --" And
3 Vanessa Bandrich interrupts. "About what? Money? Or getting
4 into trouble?"

5 Those were the two things that mattered to Feng Ling
6 Liu: Getting asylum applications approved so they could get
7 their 10, 11 and \$13,000 fees, and not getting caught. And
8 Vanessa Bandrich knew that immediately. She knew those were
9 the two things that Feng Ling Liu would have been worried
10 about. And why would she be worried about getting caught,
11 about getting in trouble? Because it was a fraud, because they
12 all knew it was a fraud, and nobody wanted to get caught.

13 And, finally, let's talk about Rachel Yang and what
14 she did and how you know that she knew.

15 First, remember Huai Guo Wu? He shows up at the
16 Bandrich law firm. He walks in for the first time, and no one
17 asks him if he has suffered persecution. Rachel Yang tells him
18 you have to start going to church so the American government
19 will believe that you are really a Christian. And he does
20 start going to church. Rachel Yang told him what to put in his
21 asylum story, and then when it wasn't good enough, she rewrote
22 it so it would be stronger. She told him to find a family
23 member, a friend, an older person to be the pastor and sign the
24 letters on his behalf. And then Rachel Yang wrote those
25 letters without asking a single question.

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E4aWliu6

Rebuttal - Mr. Boone

1 knew there was a fraud. That's not the response you give when
2 you know you're not running a fraudulent law firm. That was
3 her husband on the phone. That was her husband on that
4 recording. You can take all these recordings back. You have
5 the transcripts, you can read them for yourselves.

6 That was just one family member in that firm. I can
7 keep going. Kevin, married to one of her family members;
8 Harry, brother-in-law; Lillian, sister-in-law; Lucy, sister;
9 Ann, sister; Yolanda, sister-in-law. Almost half a dozen
10 people in this firm were family members. This isn't a big firm
11 we're talking about. This isn't a Wall Street firm with
12 offices in Paris and London and Rome. It's a firm in
13 Chinatown, got maybe 15 people. To argue that she had no idea
14 that a fraud was going on in her own firm, that the majority of
15 her family members worked in, is beyond ridiculous. We all
16 have families and we all know one of the hardest things in the
17 world to do is to keep a secret from a family member. You
18 probably remember a time when you were young, maybe you had a
19 crush on someone in school, maybe you told your brother, told
20 your sister, and next thing you know, your mom's teasing you
21 about it, your dad's teasing you about it, maybe even grandma's
22 teasing you about it. Families talk. That's what they do. So
23 the idea that no one in this firm informed her that there was a
24 fraud going on is completely ridiculous.

25 You know how prevalent the fraud was, too. It was

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E4aWliu6

Rebuttal - Mr. Boone

1 done out in the open. Many of these conversations were done in
2 area A, that's the main area. There is no way you can't hear
3 what's going on in that area. There's no secret room in the
4 firm where the family members run, conduct fraud really quick,
5 and then run out and say, Please, don't tell Feng Ling Liu we
6 just did some fraudulent stuff. It's not possible. You know
7 that's ridiculous.

8 Now, I want to now talk a little bit about Lin Chen.
9 Defense counsel made a point that Lin Chen went to the Feng
10 Ling Liu law office several times, I forget, 30, whatever it
11 was, however many times, and she never saw Feng Ling Liu, and
12 they said that because they actually thought it meant
13 something. I'm going to tell you it means. Absolutely
14 nothing. The fact that she went to Feng Ling Liu law firm and
15 Moslemi & Associates and didn't see Feng Ling Liu is evidence
16 of nothing.

17 Think about your favorite restaurant. Think about how
18 many times you go there. You maybe go there 30 times in a
19 year. How many times do you go to your favorite restaurant and
20 see the owner of the restaurant? Probably very rarely, if at
21 all. That's because there's a division of labor. People have
22 different jobs. There are people who stand out in the front.
23 There's a host who greets you when you come in. When the host
24 gets done with you, they introduce you to the waiter. The
25 waiter comes and gets your order and then they have a guy who

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E4aWliu6

Rebuttal - Mr. Boone

1 recordings. The FBI was not listening to her phone calls 24
2 hours a day. They had employees and they had asylum applicants
3 wearing recordings at specific time periods.

4 Second, you heard about the efforts she took to make
5 sure she didn't get caught. You heard about the big meeting
6 she had where she gave some very strange and incriminating
7 instructions. She told her employees, employees of a law firm,
8 don't talk to clients on the phone. That was one of her
9 instructions. But she gave an even stranger instruction:
10 Don't talk to strangers. And you know in addition to that she
11 instructed them to shred documents and delete computer files.
12 But my point is she tried very hard not to get on the phone,
13 and the fact that we got one phone call is nothing short of a
14 miracle.

15 Now, the idea that one phone call is not important is
16 ridiculous. One phone call could be extremely important and
17 one phone call can be extremely incriminating. I want you to
18 think about this unfortunate scenario that some people may have
19 been through. Imagine you've been working a long day. You
20 come home, you're tired, and you see that you have a message on
21 your phone. You play the message. You know on the other end
22 of that message is your significant other, boyfriend,
23 girlfriend, and they're describing a trip to Jamaica, a weekend
24 getaway they planned. They talk about how you're going to do
25 ZipLining, hang out on the beach, go snorkeling, and then at

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Rebuttal - Mr. Boone

1 the end of the call, they mention someone else's name. And you
2 realize that message wasn't for you, so you confront the person
3 and you say, Hey, I got your message, what was that about. And
4 their response is you only have one call. What would you say
5 in response to that? You would say what difference does it
6 make?

7 What difference does it make you only have one call?
8 One call can be extremely important. One call can be extremely
9 incriminating. And pay attention to this call. This call Mr.
10 Fischetti was talking about was a call involving Meng Fei Yu
11 talking about the fraud. She's talking about how she's scared
12 to come back to the firm because she doesn't want to put
13 herself in the position where she may get caught by a judge or
14 by a client, confessing to a judge that the story isn't true.
15 And what does Feng Ling Liu say in response? She doesn't say:
16 Back up. What are you talking about. Why would a client ever
17 say that? That makes no sense. Are you actually drafting
18 fraudulent applications? Because that's against the law, Meng
19 Fei Yu.

20 No, she doesn't say that. She says mm, mm, and she
21 says it several times and Meng Fei Yu goes into more detail
22 about the fraud and her response is the same, mm, mm. Is that
23 the response of someone who doesn't know what she's talking
24 about? Someone just accused your firm of perpetrating a fraud,
25 and your response is mm, mm? And she goes a step further and

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E4aWliu6

Rebuttal - Mr. Boone

1 You may proceed.

2 MR. BOONE: Now, the reason for that is law-abiding
3 citizens don't work in fraud mills. They don't. They choose
4 to work other places so they can't tell you about what happens
5 in a fraud mill. To learn what happens in a fraud mill, you
6 need people who work in fraud mills. And those people tend to
7 be criminals. That's why we had those witnesses testify before
8 you, because they could tell you the intricacies of how the
9 firm worked, and they're the only ones that can tell you that
10 information.

11 Now, the idea that they simply came here to tell a lie
12 is ridiculous, and you know that. Each witness went over their
13 cooperation agreement with you. Those agreements are in
14 evidence. You can review them if you want. And they made it
15 clear that their understanding of the agreement is that if they
16 come here and lie, they will lose their agreement. Period.
17 There are no ifs, ands, or buts about it. If they get on the
18 witness stand and tell a lie, they lose their agreement. They
19 have absolutely no incentive to come in here and tell a bunch
20 of lies. They told you they've been working for the FBI for a
21 long time. They've done a lot of recordings and had a lot of
22 meetings. They have no incentive to throw away all the effort
23 they put in just to come tell a lie. They have no incentive to
24 subject themselves to being on the witness stand, to exposing
25 themselves as cooperating witnesses for the government just to

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E4aWliu6

Rebuttal - Mr. Boone

1 tell a lie.

2 And think about what they said when they got up there.
3 They named several people involved in the fraud, many names,
4 David, Lillian, Ann, Harry, Kevin. They named several people,
5 and they told you exactly what they knew about each of those
6 people. They didn't say I only know Feng Ling Liu or only know
7 Vanessa Bandrich or only know Rachel Yang. They named all the
8 people they knew and they gave a measured account of what they
9 knew about them. They didn't say any more, they didn't say any
10 less.

11 Now, on that same point, if what the defense wants you
12 to believe is true, which is that they came here to lie to you
13 and pin the blame on their clients, don't you think they could
14 have come up with a much better story than they came up with?
15 I mean, Victor You and Meng Fei Yu were professional liars,
16 right? That was made very clear. They lie all the time,
17 they're good at it. They know how to make stories, that's what
18 they do, according to the defense. Don't you think they could
19 have told a better lie? What did they say about Feng Ling Liu?
20 They didn't say we saw her writing stories from sun up until
21 sundown, until her hand fell off. She was always writing
22 stories, you couldn't stop that woman from writing stories.
23 They didn't say that. They said she edited the stories, gave
24 comments, and they described what those comments were. Think
25 about that. If they really wanted to pin the blame on one of

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Rebuttal - Mr. Boone

1 that she told people on five such occasions you need to
2 memorize this story shows she knows they don't know their story
3 because it's not true; it didn't happen to them, because if
4 that happened to you, you would not forget that. Your common
5 sense tells you that.

6 You're not going to forget the day you were forced to
7 have an abortion. You're not going to forget the day you were
8 beaten in jail. You're going to remember that day, and you
9 don't need anyone's help helping you remember that day. That's
10 the first reason you know that she knew about the fraud and
11 that she was an active member in that fraud.

12 Now, continuing on this timeline, what happens next?
13 Some time passes. A year, maybe a little less than a year, she
14 gets promoted. She gets an opportunity to head her own firm.
15 Wow, great opportunity for someone who's been out of law school
16 or at least practicing law for a year. What are the odds that
17 she would ascend so high so quickly? Think about it. Knowing

18 what you know about Feng Ling Liu and her family and how
19 protective they were of the fraud, do you think for one second
20 they would put someone in charge of an offshoot firm, their
21 second franchise, who they did not think was going to give them
22 assurances that nothing would happen, someone who was not
23 involved in the fraud? That would be a crazy risk, a crazy
24 risk for a firm that told them don't talk on the phone, don't
25 talk to strangers, shred documents, to then put someone in

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Rebuttal - Mr. Boone

1 charge of a firm that they send a hundred cases to. And they
2 told you the purpose of opening up that firm was to perpetuate
3 the fraud. They would never put someone in charge of that firm
4 who was not in on the conspiracy. Because what if they paid
5 attention, what if they found out what was going on and they
6 said something, the whole fraud would be ruined. That's why
7 she was put in charge. Just like her friend Troy Moslemi's
8 name was used, it's the same reasoning, another piece of
9 evidence that shows she knew exactly what was going on and she
10 was complicit.

11 Now, I want to talk a little bit more about the fact
12 that she had no idea what was going on in the firm. First of
13 all, her firm was much smaller than Moslemi's firm. You heard
14 testimony maybe four or five people worked at that firm. There
15 were actually fewer people at that firm than are sitting over
16 there, No. 1. Not a big firm.

17 No. 2, fraud was rampant. You heard testimony about
18 items that were seized from that firm, items that were clearly
19 fraudulent, asylum stories that were already written except for
20 the name of the applicant, asylum stories that were already
21 written except for the name of the loved one to be filled in
22 later. Clearly fraudulent, and you also saw for yourself a
23 document that Vanessa Bandrich herself edited.

24 In fact, Ms. Geier, could we see Government Exhibit
25 416, please.